

GINA TORRES, et al v. CITY OF ST. LOUIS, et al
Video Deposition of DENNIS TORRES taken on January 10, 2020

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GINA TORRES, et al.,)
)
Plaintiffs,)
)
v.) Case No. 4:19-CV-1525-DDN
)
CITY OF ST. LOUIS, et al.,)
)
Defendants.)

Videotape Deposition of
DENNIS TORRES
on Behalf of Defendants

January 10, 2020

Reported by
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5	GINA TORRES, et al.,)				
6	Plaintiffs,)				
7) Case No. 4:19-CV-1525-DDN				
8	v.)				
9	CITY OF ST. LOUIS, et al.,)				
10	Defendants.)				
11	Videotape deposition of DENNIS TORRES, taken				
12	pursuant to Notice, being produced, sworn and examined on				
13	the 10th day of January, 2020, between the hours of eight				
14	o'clock in the forenoon and six o'clock in the afternoon of				
15	that day, at Dowd & Dowd, P.C., Metropolitan Square				
16	Building, 211 North Broadway, Suite 4050 in the city of St.				
17	Louis, state of Missouri, before Laura Lynn Murphy, a				
18	Registered Merit Reporter and Certified Court Reporter No.				
19	764 within and for the County of St. Louis, State of				
20	Missouri, in a certain cause now pending in the United				
21	States District Court, Eastern District of Missouri,				
22	Eastern Division, Gina Torres, et al., as the Plaintiffs,				
23	and City of St. Louis, et al., as the Defendants; on behalf				
24	of the Defendants.				
25	*****				

2 (Pages 2 to 5)

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<p>1 Q. Good morning, sir.</p> <p>2 A. Morning.</p> <p>3 Q. My name is Andrew Wheaton. I'm an Associate City</p> <p>4 Counselor with the City of St. Louis and I represent the</p> <p>5 Defendants in this case. Okay? Won't you go ahead and</p> <p>6 state your name for the record, please.</p> <p>7 A. Dennis L. Torres.</p> <p>8 Q. Okay. And I'm just going to start out by asking</p> <p>9 you some general background questions. All right?</p> <p>10 A. All right.</p> <p>11 Q. First of all, how old are you, sir?</p> <p>12 A. Seventy-two.</p> <p>13 Q. Okay. And tell me a little bit about the members</p> <p>14 of your immediate family. Who are they?</p> <p>15 A. My daughter and my two -- seven grandchildren,</p> <p>16 one great grandchild.</p> <p>17 Q. Okay. And one of your grandchildren was Isaiah</p> <p>18 Hammett; is that right?</p> <p>19 A. Yeah.</p> <p>20 Q. Now, before we really delve into things, I'm</p> <p>21 going to lay a few ground rules down for you.</p> <p>22 A. Right.</p> <p>23 Q. The first is if you do not understand a question</p> <p>24 that I'm asking you, please let me know. All right?</p> <p>25 A. Okay.</p>	<p>1 you said you had seven grandchildren.</p> <p>2 A. Seven grandchildren, one great grandchild.</p> <p>3 Q. And how many -- you only have one daughter; is</p> <p>4 that right?</p> <p>5 A. Two daughters.</p> <p>6 Q. Two daughters?</p> <p>7 A. Yeah.</p> <p>8 Q. What are their names?</p> <p>9 A. Gina and Maria.</p> <p>10 Q. Are those the only kids that you have?</p> <p>11 A. Yes.</p> <p>12 Q. Where do you live, sir?</p> <p>13 A. 5414 South Kingshighway Boulevard, St. Louis,</p> <p>14 Missouri 63109.</p> <p>15 Q. How long have you lived at that address?</p> <p>16 A. About 30 years.</p> <p>17 Q. And did Isaiah Hammett, one of your grandsons --</p> <p>18 A. He's my grandson.</p> <p>19 Q. -- did he ever live at that address with you?</p> <p>20 A. Yes.</p> <p>21 Q. Over what period of time?</p> <p>22 A. After my wife was deceased, they told me I can't</p> <p>23 be left alone so he came stayed with me. He was my</p> <p>24 caretaker.</p> <p>25 Q. When did your wife pass away?</p>
Page 7	Page 9
<p>1 Q. If you answer a question I ask you, I will assume</p> <p>2 and the jury will assume that you understood the question.</p> <p>3 A. Right.</p> <p>4 Q. Is that fair?</p> <p>5 A. Yes.</p> <p>6 Q. All right. Second, please make an effort to wait</p> <p>7 until I get my question completely out before you answer.</p> <p>8 All right?</p> <p>9 A. Yes, sir.</p> <p>10 Q. That will help our court reporter make the clear</p> <p>11 record of the question and then the answer. All right?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And if I remind you of that over the course of</p> <p>14 the deposition, I'm not intending to be rude. Everybody</p> <p>15 does it --</p> <p>16 A. Yeah.</p> <p>17 Q. -- in the course of normal conversation and in an</p> <p>18 evident to anticipate what somebody's asking. But in this</p> <p>19 setting, it really helps if you wait.</p> <p>20 A. Yes, sir.</p> <p>21 Q. Okay. All right. Thank you, sir. I may have</p> <p>22 missed one there but we'll address it if/when we get to it.</p> <p>23 All right?</p> <p>24 A. Okay.</p> <p>25 Q. A little more generally about your background,</p>	<p>1 A. I can't remember. My daughter knows, though.</p> <p>2 Q. Was it -- I mean, can you give me a general idea</p> <p>3 as to how many years ago it was?</p> <p>4 A. Six, seven years.</p> <p>5 Q. Okay. So did Isaiah come to live with you only</p> <p>6 after your wife passed away?</p> <p>7 A. Yes.</p> <p>8 Q. All right. And where did he --</p> <p>9 A. Well, he stayed with us when my wife was alive,</p> <p>10 you know, weekends and something like that.</p> <p>11 Q. Okay. But only sometimes he would stay</p> <p>12 overnight.</p> <p>13 A. Yeah.</p> <p>14 Q. He did not live with you permanently until --</p> <p>15 A. No.</p> <p>16 Q. -- after your wife passed --</p> <p>17 A. Right.</p> <p>18 Q. -- way; is that right?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Make an effort, if you would, to just wait</p> <p>21 until I get my question --</p> <p>22 A. Okay.</p> <p>23 Q. -- completely out.</p> <p>24 A. Yeah.</p> <p>25 Q. All right? And that's fair. Everybody --</p>

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<p>1 MR. DOWD: You're doing fine, Dennis.</p> <p>2 Q. (By Mr. Wheaton) You're doing fine.</p> <p>3 MR. DOWD: You're doing fine.</p> <p>4 Q. (By Mr. Wheaton) So just to be clear, Isaiah</p> <p>5 would stay overnight sometimes with you when he was</p> <p>6 younger.</p> <p>7 A. Yes, sir.</p> <p>8 Q. But after your wife passed away, he then came to</p> <p>9 live with you --</p> <p>10 A. Yes, sir.</p> <p>11 Q. -- permanently.</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. And, again, just -- I know it's kind of</p> <p>14 abnormal but just wait until I get my question completely</p> <p>15 out, if you would.</p> <p>16 A. Well, I thought you had the question out.</p> <p>17 Q. I apologize. Sometimes --</p> <p>18 MR. DOWD: I did, too.</p> <p>19 Q. (By Mr. Wheaton) Sometimes I'm not the best in</p> <p>20 making that clear so my apologies there. Okay? Bear with</p> <p>21 me. So Isaiah came to live with you permanently after your</p> <p>22 wife passed away --</p> <p>23 A. Yes.</p> <p>24 Q. -- right? Okay. And where did he live before</p> <p>25 that?</p>	<p>1 Q. Vietnam? Did you ever see combat --</p> <p>2 A. Yes.</p> <p>3 Q. -- when you were in Vietnam? Did you suffer any</p> <p>4 injuries at all --</p> <p>5 A. Yes.</p> <p>6 Q. -- while you served?</p> <p>7 A. Uh-huh, yes.</p> <p>8 Q. What were those?</p> <p>9 A. Shrap metal in the chest, shrap me -- two bullets</p> <p>10 in the back. That's about it.</p> <p>11 Q. Well, first of all, I want to thank you for your</p> <p>12 service.</p> <p>13 A. Oh.</p> <p>14 Q. I know we all appreciate it. You said that you</p> <p>15 were shot twice in the back.</p> <p>16 A. Yeah.</p> <p>17 Q. When you say the back, was that -- can you tell</p> <p>18 me where on your body?</p> <p>19 A. Right about the -- I'd say around right, top</p> <p>20 shoulder, a little bit down.</p> <p>21 Q. Okay. And do you do still feel the impacts of</p> <p>22 that injury?</p> <p>23 A. No.</p> <p>24 Q. I want to ask you more about your medical</p> <p>25 condition generally. I see you're in a wheelchair.</p>
Page 11	Page 13
<p>1 A. With his mother.</p> <p>2 Q. All right. And do you know that address?</p> <p>3 A. 3527 Tennessee, I think.</p> <p>4 Q. Okay. In June of 2017, though, Isaiah was living</p> <p>5 with you --</p> <p>6 A. Yes.</p> <p>7 Q. -- full time.</p> <p>8 A. Yes.</p> <p>9 Q. Are you retired, sir?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. What did you do prior to retiring?</p> <p>12 A. Truck driver.</p> <p>13 Q. How many years did you do that?</p> <p>14 A. Twenty something years.</p> <p>15 Q. Were you ever in the military?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Did you serve --</p> <p>18 A. Yes.</p> <p>19 Q. -- in -- overseas?</p> <p>20 A. Yes.</p> <p>21 Q. Tell me about that.</p> <p>22 A. I went through basic. Then I went to AIT, then</p> <p>23 recon. And then I went to Vietnam May 5, 1966.</p> <p>24 Q. Did you serve in combat in --</p> <p>25 A. Yes.</p>	<p>1 A. Yes.</p> <p>2 Q. Why is it that you're in a wheelchair?</p> <p>3 A. Because I can't walk.</p> <p>4 Q. Okay. Have you ever been diagnosed by a medical</p> <p>5 professional with any medical conditions?</p> <p>6 A. Yes.</p> <p>7 Q. What are those?</p> <p>8 A. Cancer, diabetes, Agent Orange. That's about it.</p> <p>9 Q. Were you exposed to Agent Orange when you were in</p> <p>10 Vietnam?</p> <p>11 A. Yes.</p> <p>12 Q. And what were the symptoms that you experienced</p> <p>13 as a result of that exposure?</p> <p>14 A. Swollenness, sores, that's about it, open wounds.</p> <p>15 Q. Anything else?</p> <p>16 A. No.</p> <p>17 Q. What kind of cancer do you have?</p> <p>18 A. I don't know what you call -- I can't remember.</p> <p>19 It's from Agent Orange so.</p> <p>20 Q. Is that something that a medical professional</p> <p>21 told you?</p> <p>22 A. Pardon me?</p> <p>23 Q. Is that something that a medical professional</p> <p>24 told you --</p> <p>25 A. Yes.</p>

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<p>1 Q. -- that your cancer -- 2 A. Yes. 3 Q. -- is the result of exposure to Agent Orange? 4 A. Yes. 5 Q. On how many occasions were you exposed to Agent 6 Orange in Vietnam? 7 A. Huh? 8 Q. How many times were you exposed to Agent Orange? 9 A. A lot. 10 Q. More than you can count? 11 A. Yeah. 12 Q. Did you suffer any damage to your hearing when 13 you were in the war or at any time thereafter? 14 A. Hearing? 15 Q. Hearing. 16 A. Sometimes. 17 Q. All right. 18 A. I have trouble with it. 19 Q. Tell me about the trouble you have with your 20 hearing. 21 A. I -- it's like, like, I have my TV up real loud. 22 I've got to have my ears checked, you know, just it's 23 because I'm getting old. It's just I'm getting hard to 24 hear. 25 Q. Do you have hearing aids?</p>	<p>1 A. Yeah. 2 Q. Okay. Have you ever worn hearing aids? 3 A. No. 4 Q. On June 7, 2017, were you wearing hearing aids? 5 A. No. 6 Q. Were you experiencing trouble with your hearing 7 back in June of 2017? 8 A. No. 9 Q. I heard you mention right before we got started 10 that you've had six surgeries on your eyes -- 11 A. Yeah. 12 Q. -- is that right? 13 A. Uh-huh. 14 Q. What was the nature of those surgeries? 15 A. Cataracts. 16 Q. Cataracts. All six surgeries -- 17 A. Yeah. 18 Q. -- were for cataracts? 19 A. Yeah. 20 Q. And can you just explain for me a little bit what 21 your understanding of what cataracts is? 22 A. It's like floating dots be floating, little 23 blurry and everything. 24 Q. So there's blotches of blurriness in your vision. 25 A. Yeah.</p>
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<p>1 A. No. 2 Q. Has anybody -- 3 A. That's what I got to see about. 4 Q. So has somebody recommended to you that you get 5 hearing aids? Is that why you say that's something you 6 have to see about? 7 A. Well, my primary says he thinks I ought to see a 8 ear doctor. 9 Q. So he says you should go see an ear doctor. 10 A. Right. 11 Q. All right. But you have personally experienced 12 trouble with your hearing. 13 A. Yeah. 14 Q. It's tough for you to hear the TV, for example. 15 A. Yeah. 16 Q. Is it tough for you to hear what people are 17 saying sometimes? 18 A. Sometimes. 19 Q. All right. Do people need to speak up in order 20 for you to be able to hear what they're saying usually? 21 A. Well, sometimes, like, I don't understand what 22 you're saying. 23 Q. Okay. And are you talking about when -- 24 A. Anybody. 25 Q. Anybody.</p>	<p>1 Q. And is that constant? 2 A. No, not since the surgeries. 3 Q. Okay. So when were these six surgeries? 4 A. Oh, God, '16, 2016, around July, June, July, 5 something like that. 6 Q. Did any of the six surgeries occur in the year 7 2017? 8 A. No. 9 Q. Who is your primary care physician? 10 A. Dr. Michael Berk. 11 Q. And is he a physician at the VA? 12 A. No. 13 Q. Okay. Where is Dr. Berk's office? 14 A. At the Center Advanced Medicine at Barnes-Jewish 15 Hospital. 16 Q. And how long have you been seeing Dr. Berk? 17 A. Years, I -- I can't describe -- I can't remember 18 exactly how many years. It's been years. 19 Q. And do you remember if you ever saw a doctor 20 specifically for your eyes? 21 A. Dr. Colon, an eye doctor. 22 Q. Is that the same doctor that performed the six 23 surgeries on your eyes? 24 A. No, it's a different doctor. 25 Q. Do you know that doctor's name?</p>

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<p>1 A. No.</p> <p>2 Q. Tell me more about the symptoms you experienced 3 as a result of cataracts.</p> <p>4 A. Huh?</p> <p>5 Q. Tell me more about the symptoms you experienced 6 as a result of cataracts.</p> <p>7 A. Just a blurriness, seeing blacked outline, you 8 know, nothing TV picture very good.</p> <p>9 Q. I notice you're wearing sunglasses today.</p> <p>10 A. They're prescription --</p> <p>11 Q. Why?</p> <p>12 A. -- sunglasses. Lights bother my eyes, just very 13 sensitive.</p> <p>14 Q. Very sensitive to light?</p> <p>15 A. Yeah.</p> <p>16 Q. Does it make it difficult for you to see when 17 there's light in your eyes?</p> <p>18 A. Yeah, I -- my eye starts watering, and I have to 19 rub my eyes and they burn.</p> <p>20 Q. So if you're exposed to sunlight or lights like 21 these can overhead lights that are in this room today 22 without wearing sunglasses, is it difficult for you to see?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Has that been the case ever since you got your 25 last surgery?</p>	<p>1 Q. How often?</p> <p>2 A. Three times a day.</p> <p>3 Q. Three times a day.</p> <p>4 A. I have to check it.</p> <p>5 Q. Did you do that yourself?</p> <p>6 A. Yes.</p> <p>7 Q. Do you have somebody who takes care of you now?</p> <p>8 A. Yes.</p> <p>9 Q. Who is that?</p> <p>10 A. My daughter, Gina.</p> <p>11 Q. How long have you had diabetes, to your 12 knowledge?</p> <p>13 A. Probably ever since I came home from Vietnam and 14 didn't know it because I didn't get checked. I didn't know 15 I had diabetes until in the 1990s. I didn't know I was 16 diabetic.</p> <p>17 MR. DOWD: I'd object and move to strike. It's 18 speculative. If you don't know the answer, don't --</p> <p>19 WITNESS: Oh, okay.</p> <p>20 MR. DOWD: -- don't -- don't guess.</p> <p>21 WITNESS: All right.</p> <p>22 Q. (By Mr. Wheaton) Do you know what type of 23 diabetes you have?</p> <p>24 A. Type 2.</p> <p>25 Q. Type 2. Do you have any other medical conditions</p>
<p style="text-align: center;">Page 19</p> <p>1 A. Sir?</p> <p>2 Q. Has that been the case ever since you got your 3 last surgery?</p> <p>4 A. Yeah, it's all has to do with my diabetes.</p> <p>5 Q. Okay. But the question I'm trying to ask --</p> <p>6 A. Yeah.</p> <p>7 Q. -- and maybe I'm not doing a good job of it -- is 8 have you had this issue with not being able to see when 9 there's light ever since your last eye surgery?</p> <p>10 A. No, it's always been that way.</p> <p>11 Q. It's always been that way.</p> <p>12 A. Yes, sir.</p> <p>13 Q. You've mentioned that your diabetes affects your 14 eyesight.</p> <p>15 A. Yes, sir.</p> <p>16 Q. Tell me about that.</p> <p>17 A. That's what I was told.</p> <p>18 Q. That's what you were told.</p> <p>19 A. Yeah.</p> <p>20 Q. Do you get treatment for your diabetes?</p> <p>21 A. Yes.</p> <p>22 Q. What is that?</p> <p>23 A. At the VA.</p> <p>24 Q. All right. And do you take insulin?</p> <p>25 A. Yes.</p>	<p style="text-align: center;">Page 21</p> <p>1 that we have not spoken about today?</p> <p>2 A. I don't understand what you mean. Like, what do 3 you mean by other medical problems?</p> <p>4 Q. Other medical -- do you have any other medical 5 conditions or problems other than those that we've 6 discussed up until right now in this deposition?</p> <p>7 A. I have nerve damage to my back from being shot. 8 I have -- what do you call -- the neuropathy (sic) real bad --</p> <p>9 Q. Okay.</p> <p>10 A. -- and my hands real bad hurts.</p> <p>11 Q. All right. Have you had your left foot 12 amputated?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. When did that happen?</p> <p>15 A. 2016.</p> <p>16 Q. Why, to your knowledge, why was your left foot 17 amputated?</p> <p>18 A. Because it was Agent Orange due with cancer.</p> <p>19 Q. Did you ever seek or obtain medical treatment at 20 the VA?</p> <p>21 A. Yes.</p> <p>22 Q. When?</p> <p>23 A. All the time.</p> <p>24 Q. Do you still go to the VA?</p> <p>25 A. I got appointment on February 23 and February 27</p>

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<p style="text-align: center;">Page 22</p> <p>1 next month.</p> <p>2 Q. Now, we covered your two daughters and one of</p> <p>3 your grandchildren, but what are your other six</p> <p>4 grandchildren's names?</p> <p>5 A. Let's see; there's Angelo, Bobby, Carina,</p> <p>6 Brittany, Breianna -- let's see; Carina, Bobby, Angelo,</p> <p>7 Brittany, Breianna, Jason. That's six. And I don't know</p> <p>8 -- let's see; I don't know my great grandchild's name.</p> <p>9 Q. That's okay. If it comes to you, you just --</p> <p>10 A. Well, I --</p> <p>11 Q. -- let me know.</p> <p>12 A. I don't know.</p> <p>13 Q. Okay. And I appreciate that. If you do not know</p> <p>14 or you don't remember the answer to a question that I'm</p> <p>15 asking you, please, just tell me. Okay? This is not a</p> <p>16 memory test. If you don't know or you don't remember, just</p> <p>17 say so. All right?</p> <p>18 Now, I want to move to the incident at issue in</p> <p>19 this case that occurred on June 7 of 2017. Okay?</p> <p>20 A. (Witness nodded.)</p> <p>21 Q. Do you remember that day?</p> <p>22 A. Yeah.</p> <p>23 Q. Do you remember that shortly after the incident</p> <p>24 that day, you gave a statement to investigating police</p> <p>25 officers?</p>	<p style="text-align: center;">Page 24</p> <p>1 recording, just for the record. Is that you on this</p> <p>2 recording?</p> <p>3 A. Yes.</p> <p>4 Q. And do you remember giving this statement?</p> <p>5 A. Yes.</p> <p>6 Q. And at the time that you gave this statement, was</p> <p>7 your memory of the incident that occurred on June 7, 2017,</p> <p>8 better than it is as you sit here today?</p> <p>9 A. Yes.</p> <p>10 Q. In fact, it had just happened about an hour</p> <p>11 before --</p> <p>12 A. Yeah.</p> <p>13 Q. -- right? So you just said in that statement</p> <p>14 that you first heard shots fired, and then Isaiah came</p> <p>15 into your room; is that right?</p> <p>16 A. Yes.</p> <p>17 Q. Is that, in fact, what happened?</p> <p>18 A. Well, I woke up the first time and Isaiah -- I</p> <p>19 seen Isaiah sweeping the floor. The second time -- I fell</p> <p>20 back to sleep and I woke up to gunshots. Isaiah came in my</p> <p>21 room, took me out of my hospital bed, put me on the floor.</p> <p>22 And I asked him, "What's -- who's shooting?" He goes, "I</p> <p>23 don't know, Grandpa. Stay down. I love you."</p> <p>24 Q. All right. I'm going to stop you right there.</p> <p>25 So did Isaiah say anything else other than that when he</p>
<p style="text-align: center;">Page 23</p> <p>1 A. Yes.</p> <p>2 Q. Where did you give that statement at?</p> <p>3 A. In the street in front of my neighbor's house.</p> <p>4 Q. Just right outside --</p> <p>5 A. Yes.</p> <p>6 Q. -- in front of your neighbor's house. And it was</p> <p>7 shortly after --</p> <p>8 A. Yeah.</p> <p>9 Q. -- this incident at issue in this case occurred.</p> <p>10 A. Well, it was a little bit after, not right away.</p> <p>11 Q. Can you give me -- was it about an hour later --</p> <p>12 A. Yeah, about --</p> <p>13 Q. -- does that sound right?</p> <p>14 A. About an hour later.</p> <p>15 Q. All right. I'm going to play the beginning of</p> <p>16 that audio recorded statement for you right now. Okay?</p> <p>17 And we're going to mark this as Exhibit A for</p> <p>18 identification purposes.</p> <p>19 (Deposition Exhibit A marked.)</p> <p>20 Q. All right.</p> <p>21 A. Yeah.</p> <p>22 Q. If you have any trouble hearing it, let me know.</p> <p>23 Okay?</p> <p>24 (Audio recording played.)</p> <p>25 Q. I stopped it at 1 minute and 31 seconds on this</p>	<p style="text-align: center;">Page 25</p> <p>1 came into your room?</p> <p>2 A. No.</p> <p>3 Q. All right.</p> <p>4 A. He just said he didn't know who's shooting.</p> <p>5 Q. How many shots did you hear fired before Isaiah</p> <p>6 came into --</p> <p>7 A. A lot.</p> <p>8 Q. -- your room? Can you give me any idea how many?</p> <p>9 I'm asking just before --</p> <p>10 A. Just a lot.</p> <p>11 Q. -- he came into your room.</p> <p>12 A. Just a lot.</p> <p>13 Q. Okay. And, once again, just please try and make</p> <p>14 an effort to wait until I --</p> <p>15 A. I know.</p> <p>16 Q. -- get the question out. All right? Don't worry</p> <p>17 about it. I'm not trying to be rude. I just --</p> <p>18 A. Well --</p> <p>19 Q. -- we need to make a clear record. Okay? Just</p> <p>20 one more time. Do you have any idea how many shots you</p> <p>21 heard before Isaiah came into your room?</p> <p>22 A. No, just a lot.</p> <p>23 Q. Okay. Could you see who was firing the shots?</p> <p>24 A. No.</p> <p>25 Q. And just to be clear at this point, I'm asking</p>

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<p>1 about the shots that were fired before Isaiah came into 2 your room. Okay? We're all on the same page?</p> <p>3 A. Yes.</p> <p>4 Q. Could you tell from what direction the shots that 5 were fired before Isaiah came into your room were coming 6 from?</p> <p>7 A. Front.</p> <p>8 Q. The front of the house.</p> <p>9 A. Yes.</p> <p>10 Q. So towards the front of the house from your room, 11 right?</p> <p>12 A. Yes.</p> <p>13 Q. And your room is in the back of the house.</p> <p>14 A. Yes.</p> <p>15 Q. You say that Isaiah threw you onto the floor. Is 16 that what happened?</p> <p>17 MR. DOWD: I object. That misstates his prior 18 testimony.</p> <p>19 Q. (By Mr. Wheaton) You can answer if you 20 understand the question.</p> <p>21 A. Huh, what?</p> <p>22 Q. He just made an objection.</p> <p>23 MR. DOWD: You answer it the way you remember 24 testifying --</p> <p>25 WITNESS: Okay.</p>	<p>1 MR. WHEATON: -- please.</p> <p>2 MR. DOWD: You're stopping it. No, he can't 3 answer that question. I'm going to instruct him not to --</p> <p>4 MR. WHEATON: Are you --</p> <p>5 MR. DOWD: -- unless you tell -- unless you play 6 the whole thing for him.</p> <p>7 MR. WHEATON: I'll play the whole thing.</p> <p>8 Richard, please, legal objections only.</p> <p>9 MR. DOWD: No, I'm --</p> <p>10 (Audio recording played.)</p> <p>11 Q. (By Mr. Wheaton) So I know that you said threw 12 -- took -- we have actually got a transcript here, but you 13 said --</p> <p>14 A. Said put me.</p> <p>15 Q. -- "threw me out of my hospital bed and put me on 16 the floor."</p> <p>17 A. Yeah.</p> <p>18 Q. That's what you said.</p> <p>19 A. He didn't throw me.</p> <p>20 Q. So it's your testimony that he put you onto the 21 floor.</p> <p>22 A. Yes.</p> <p>23 Q. All right. Where on the floor did he put you?</p> <p>24 A. On the side of my hospital bed.</p> <p>25 Q. Okay. I'm going to show you what we're going to</p>
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<p>1 MR. DOWD: -- a minute ago.</p> <p>2 WITNESS: All right.</p> <p>3 MR. WHEATON: And, Rich, I'm just going to ask 4 that you keep your objections to stating the legal 5 objection. Refrain from anything else.</p> <p>6 MR. DOWD: Well, I'm going to ask that you not 7 misstate. He didn't say threw him on the floor.</p> <p>8 Q. (By Mr. Wheaton) I'm going to back up a couple 9 seconds here, okay, and play this recording one more time.</p> <p>10 (Audio recording played.)</p> <p>11 Q. Did you hear when you say "threw me on there" on 12 --</p> <p>13 A. No --</p> <p>14 Q. -- the recording?</p> <p>15 A. -- I said put me on the bed -- on the floor. He 16 didn't throw me.</p> <p>17 Q. One more time.</p> <p>18 (Audio recording played.)</p> <p>19 MR. DOWD: Let's hear the --</p> <p>20 Q. (By Mr. Wheaton) So you said threw there --</p> <p>21 MR. DOWD: -- whole thing.</p> <p>22 Q. (By Mr. Wheaton) -- but you --</p> <p>23 MR. DOWD: No, Andrew --</p> <p>24 MR. WHEATON: I'm asking a question --</p> <p>25 MR. DOWD: -- you're stopping it.</p>	<p>1 mark as Exhibit B. Okay? (Deposition Exhibit B marked.)</p> <p>2 Q. Here you go. You recognize that photograph?</p> <p>3 A. Yes.</p> <p>5 Q. Are you able to see that photograph with your 6 vision issues?</p> <p>7 A. Barely, kind of dark. I can see -- make the bed 8 out.</p> <p>9 Q. Okay. So all you can make out in this photograph 10 is that there's a bed in it.</p> <p>11 A. Yeah.</p> <p>12 Q. All right. Are you able to say based on this 13 photograph where you were placed --</p> <p>14 A. Right here.</p> <p>15 Q. -- on the floor?</p> <p>16 A. Right here.</p> <p>17 Q. Did Isaiah actually --</p> <p>18 A. My feet was underneath the bed.</p> <p>19 Q. Give me that one more time.</p> <p>20 A. My feet was underneath the bed.</p> <p>21 Q. Okay. So did Isaiah actually place you 22 underneath the bed?</p> <p>23 A. No, he kind of, you know, sideways.</p> <p>24 Q. Sideways.</p> <p>25 A. Yeah.</p>

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<p style="text-align: center;">Page 30</p> <p>1 Q. So your feet were underneath the bed. 2 A. Yeah. 3 Q. And you were laying on the floor. 4 A. Yeah. 5 Q. Were you laying on the floor the whole time 6 throughout the shooting at issue in this case? 7 A. Yes. 8 Q. All right. If you're able to, sir, draw a circle 9 around the area where you were laying on the floor 10 throughout the incident at issue in this case, I'd 11 appreciate it. 12 A. (Witness complied.) 13 Q. All right. And if you could just kind of give it 14 a couple swivels there, I know that pen is not the best. 15 But, in fact, here, I've got a -- why don't you give it a 16 try with this highlighter, if you would. 17 A. (Witness complied.) 18 Q. All right. Thank you, sir. And where was your 19 head in this circle that you just made? 20 A. Right about here. 21 Q. Okay. 22 A. Toward the foot. 23 Q. Can you go ahead and try and put an X on where 24 your head was for me, please. 25 A. (Witness complied.)</p>	<p style="text-align: center;">Page 32</p> <p>1 Q. It's a shoe box? 2 A. Yeah. 3 Q. Okay. I'm going to show you what I'm marking as 4 Exhibit C. All right? 5 (Deposition Exhibit C marked.) 6 Q. Can you tell me what that photograph shows? 7 A. My TV, the doorway to my room and pictures on the 8 wall. 9 Q. All right. And if you look -- if you go out of 10 the doorway from your room right across that little area, 11 is that where Isaiah's bedroom was at? 12 A. Yes. 13 Q. And then just to the right of that, is that where 14 the living room area is in the house? 15 A. Right, straight, right as you go out the back, 16 there's a bathroom right there. And the living room's in 17 between. There's another door going up the steps. It's 18 like little hallway, little area. 19 Q. Okay. 20 A. You got Isaiah's room, bedrooms, bathroom 21 upstairs. 22 Q. Okay. Now, because you were laying on the floor 23 with part of your body underneath the bed in your bedroom, 24 is it accurate to say that you did not and could not 25 actually see the shooting at issue in this case?</p>
<p style="text-align: center;">Page 31</p> <p>1 Q. Okay. So just for the record here, if you can 2 see that, you put an X about right here at the foot of the 3 bed -- 4 A. Right. 5 Q. -- right about where that box is. 6 A. Or right here. 7 Q. Okay. Do you see where there's a little -- can 8 you see that gray box at the foot of the bed there? Can 9 you make that out? 10 A. No. 11 Q. Okay. Is that a space heater or, do you know, 12 did you have a space heater in your room? 13 A. No, I don't have one. 14 Q. Okay. But you're not even able to see this gray 15 box here in the photo? 16 A. No. I think that's probably the hot -- the 17 molder to the bed. 18 Q. Oh, okay. But, regardless, right around where 19 this gray box is here, that's about where your head was -- 20 A. Yeah. 21 Q. -- throughout the shooting at issue -- 22 A. Yeah. 23 Q. -- in this case? All right. Thank you, sir. 24 A. That aren't -- that's just a regular box, shoe 25 box.</p>	<p style="text-align: center;">Page 33</p> <p>1 A. I could see somebody in the dining room -- 2 Q. Okay. 3 A. -- and my grandson. 4 Q. I'm just asking if you saw Isaiah get shot -- 5 A. Yes. 6 Q. -- if you physically saw him get shot? 7 A. No. 8 Q. Okay. You did not. 9 A. No. 10 Q. All right. Thank you. 11 (Deposition Exhibit D marked.) 12 Q. I'm going to show you now what has been marked as 13 Exhibit D, if you would take a look at that for me. And 14 I'll represent to you that this is a Firearms Trace Summary 15 from the Federal Bureau of Alcohol, Tobacco, Firearms and 16 Explosives. Are you able to make out the heading at the 17 top of this -- 18 A. I've got to get my -- 19 Q. -- piece of paper? 20 A. -- reading glasses. 21 Q. Okay. 22 A. Okay. 23 Q. All right. Are you able to make out what it says 24 on this piece of paper now? 25 A. Says National Tracking Center.</p>

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<p style="text-align: center;">Page 34</p> <p>1 Q. Okay. Does it look like National Tracing Center? 2 A. Tracing Center. 3 Q. Okay. And it says Firearms Trace Summary. Do 4 you see that? 5 A. Yeah. 6 Q. All right. I'll draw your attention to the 7 bottom left where it says Purchaser Information, Isaiah 8 Michael Hammett, Purchase Date May 16, 2017, with an 9 address on Tennessee Avenue, St. Louis, Missouri. Can you 10 make this out? 11 A. Yeah, see, doesn't -- 12 MR. DOWD: Do you see it? It's over here. 13 WITNESS: Yeah, I see that. 14 Q. (By Mr. Wheaton) And it says date of birth, 15 September 20, 1995. Did you see that? 16 A. Yes. 17 Q. Was that your grandson Isaiah's date of birth? 18 A. Sir? 19 Q. Was that your grandson Isaiah's date of birth? 20 A. Yes. 21 Q. Do you see in the top right where it says Firearm 22 Information? 23 A. Yes. 24 Q. It says Manufacturer, Inter Ordnance? 25 A. Yes.</p>	<p style="text-align: center;">Page 36</p> <p>1 Q. Thank you, sir. I'm going to show you now what 2 I'm marking as Exhibit E as in echo. 3 (Deposition Exhibit E marked.) 4 Q. Do you see that this document says Metropolitan 5 Police Department, City of St. Louis, Laboratory Division 6 in the top right corner? 7 A. Yes. 8 Q. And it says Laboratory Report right there at the 9 top middle. 10 A. Yes. 11 Q. All right. Now, I know that the writing here at 12 the bottom of this page may be a little small, but I'm 13 going to draw your attention to Evidence Submission 009. 14 And it says, "Ballistics evidence from scene in a sealed 15 container." 16 And right underneath that, it says, "Item 009-01: 17 (9) Barnaul stamped, 7.62x39mm Caliber, Cartridge Cases." 18 Do you see where it says that? 19 A. Yes. 20 Q. All right. Does this appear to you to be a 21 laboratory report from the City of St. Louis Police 22 Department? 23 A. I don't know. 24 Q. All right. Well, at least it says Laboratory 25 Report and it says Police Department on the top, right?</p>
<p style="text-align: center;">Page 35</p> <p>1 Q. Does this indicate to you that on May 16, 2017, 2 Isaiah Hammett bought an Inter Ordnance Sporter model, 762 3 caliber semi-automatic rifle from Triple Threat Armory LLC? 4 A. Did he what? 5 Q. I'm asking if this indicates to you that Isaiah 6 Hammett bought a 762 caliber semi-automatic rifle? 7 A. Yes. 8 Q. All right. Had you ever seen that 762 caliber 9 semi-automatic rifle before? 10 A. No. 11 Q. All right. Now -- 12 MR. DOWD: Well, I'm going to object. The 13 question's vague. Before what? 14 Q. (By Mr. Wheaton) Okay. At any point in time, 15 have you ever seen this weapon? 16 A. No. 17 Q. To your knowledge? 18 A. No. 19 Q. Did you know that Mr. Hammett had purchased this 20 weapon? 21 A. No. 22 Q. And just one last thing here, under Dealer 23 Information at the bottom right-hand corner has a 24 Ship-To-Date of April 28, 2017. Do you see that? 25 A. 28/17, yes.</p>	<p style="text-align: center;">Page 37</p> <p>1 A. Yes, but -- 2 MR. DOWD: Objection, asked and answered. 3 Q. (By Mr. Wheaton) You can answer if you 4 understand, sir. 5 MR. DOWD: He's already answered. 6 WITNESS: No. 7 Q. (By Mr. Wheaton) I'm going to ask you to look at 8 the second page, page 2 here. The second to last entry on 9 the second page says, "Evidence Submission 028: Inter 10 Ordnance Inc. Make, Sporter model, 7.62 x 39 mm caliber, 11 Rifle semi -- 12 A. Where is that? 13 Q. The second entry to the bottom, sir, right down 14 there. 15 A. That's 7. 16 Q. All right. So this identifies Evidence 17 Submission 28 as a 7.62 caliber semi-automatic rifle. Do 18 you see that? 19 A. Yes, at the very bottom. 20 Q. All right. Now, I'll draw your attention to page 21 7 of this exhibit. And if you need help getting to it, I'm 22 happy -- 23 A. Page 7? 24 Q. -- to find the page. 25 MR. DOWD: Can you get it?</p>

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<p style="text-align: right;">Page 38</p> <p>1 WITNESS: That's four. 2 MR. DOWD: Can you read that? 3 WITNESS: Okay. Yes. 4 MR. DOWD: It says 7 -- 5 WITNESS: Yeah. 6 MR. DOWD: -- of 65. 7 Q. (By Mr. Wheaton) Are you there, sir? 8 A. Yes, sir. 9 Q. Okay. Take a look at the top of the page. We 10 can take that clip off if it's easier for you. You got it? 11 A. Yeah. 12 Q. All right. I'm going to ask you to look right 13 there. Okay? 14 A. Items? 15 Q. Right, Item 009-01. 16 A. Yes. 17 Q. It says A through I, right? 18 A. Yeah. 19 Q. And it says, again, Item 009-01, those are the 20 cartridges recovered from the scene according to the first 21 page, right? 22 A. Yeah. 23 Q. That's what this indicates at least. 24 A. Well, I don't know. 25 Q. Right. Okay. It says, "A microscopic comparison</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. I'm going to show you what's been marked as 2 Exhibit F. And I apologize, sir, at this point, I'm going 3 to have to show you photos of your grandson. 4 A. No -- 5 Q. And -- 6 A. -- I can't, I'm sorry. 7 Q. I'm sorry, sir. 8 A. Can't look. 9 Q. And I really don't mean to put you through this 10 but, unfortunately -- 11 A. No. 12 Q. -- I do have to ask you -- 13 A. No. 14 Q. -- questions about this. 15 MR. DOWD: No, we'll talk to the judge about it 16 and do it later. We're not doing that. He's -- 17 MR. WHEATON: I'm -- Richard, this is an 18 absolutely necessary part of our examination. It's 19 critical to the case. 20 MR. DOWD: You can use diagrams but no pictures 21 of Isaiah. 22 MR. WHEATON: Richard. 23 MR. DOWD: I know. I know. 24 MR. WHEATON: Richard, this impairs completely 25 our ability to inquire regarding critical information in</p>
<p style="text-align: right;">Page 39</p> <p>1 was conducted between Test cartridge cases 1 and 2, Item 2 28-03 that was fired in Evidence Submission 28," the rifle. 3 "The examinations determined that Items 009-01 were fired 4 in the firearm, Evidence Submission 28 due to matching 5 firing pin and breech face impressions." Did I read that 6 correctly? 7 A. I don't understand none of this. 8 Q. Okay. Let me ask you this: Do you have any 9 reason to doubt that laboratory tests from cartridges 10 recovered from the scene indicated that this Inter Ordnance 11 767 (sic) caliber semi-automatic rifle fired cartridges at 12 your house? Do you have any reason to doubt that? 13 MR. DOWD: Objection to vague. At his house? 14 Q. (By Mr. Wheaton) Do you have any reason to doubt 15 that cartridges recovered from your house were fired from a 16 767 caliber semi-automatic rifle at your house? 17 A. Don't know. 18 Q. You don't know one way -- 19 A. I mean -- 20 Q. -- or the other? 21 A. -- anybody can plant things, I don't know. 22 Q. Okay. So you don't know one way or the other. 23 A. No. 24 Q. All right. 25 (Deposition Exhibit F marked.)</p>	<p style="text-align: right;">Page 41</p> <p>1 this case. He's a Plaintiff in this case. He's at the 2 heart of the issue in this case. We have to ask him 3 questions about what the scene looked like -- 4 MR. DOWD: One, one -- 5 MR. WHEATON: -- and what he saw. 6 MR. DOWD: -- picture, one picture. 7 Dennis, please do the best you can. 8 Q. (By Mr. Wheaton) And, again, I apologize, sir, 9 but I have to ask you these questions. You saw your 10 grandson lying on the living room floor after he was shot; 11 is that right? 12 A. Yes. 13 Q. Does this photograph fairly and accurately depict 14 the scene as you saw it on that day? 15 A. Yes. 16 Q. All right. Thank you. And you've had a chance 17 to look at it. 18 A. Yes. 19 Q. All right. That's all the questions I have 20 regarding that. I appreciate that. That's Exhibit F. All 21 right. Now, I'm going to move back to this recording, 22 okay, of the statement that you gave shortly after this 23 incident. I'm going to play it beginning at minute 2:12, 2 24 minutes and 12 seconds. All right? You okay? 25 A. Yes.</p>

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	<p>1 Q. Do you need to take a break --</p> <p>2 A. No.</p> <p>3 Q. -- or --</p> <p>4 A. I'm good.</p> <p>5 Q. -- are you good?</p> <p>6 A. I'm good.</p> <p>7 Q. All right.</p> <p>8 (Audio recording played.)</p> <p>9 Q. Were you able to hear what you said there, sir?</p> <p>10 A. No.</p> <p>11 Q. All right. Now, if it will help, there is a</p> <p>12 transcript of your statement that was made based on this</p> <p>13 audio recording which I'm going to mark as Exhibit G.</p> <p>14 (Deposition Exhibit G marked.)</p> <p>15 Q. And I'll hand you that. Okay? Bear with me one</p> <p>16 moment here, sir. If you would turn to page 4 of this</p> <p>17 recording -- or, sorry, of this transcript, and I'm going</p> <p>18 to draw your attention to near the bottom of the page right</p> <p>19 here. Okay?</p> <p>20 A. Yeah.</p> <p>21 Q. And I'm going to ask you to follow along with</p> <p>22 this transcript while I play the recording one more time</p> <p>23 and see if that helps you out. Okay? You ready?</p> <p>24 A. Yeah.</p> <p>25 (Audio recording played.)</p>	<p>1 A. Yeah.</p> <p>2 Q. So when you were asked, "Was there a weapon in</p> <p>3 his hands or near," you answered, "I can't say. I'm</p> <p>4 legally blind."</p> <p>5 A. Yes.</p> <p>6 Q. And was that a true statement --</p> <p>7 A. No.</p> <p>8 Q. -- when you made it shortly after the accident at</p> <p>9 issue in this case?</p> <p>10 A. No, I did see a weapon in his hand -- not, I did</p> <p>11 not see a weapon in his hand. There was no weapon.</p> <p>12 Q. And you told the officer that you were legally</p> <p>13 blind; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. And was that, in fact, because on that day, you</p> <p>16 were legally blind?</p> <p>17 A. I don't know, it was -- all's I know, I didn't</p> <p>18 see no weapon.</p> <p>19 Q. That's all you know is that you did not see a</p> <p>20 weapon?</p> <p>21 A. Right.</p> <p>22 Q. That's all you know and that's all your testimony</p> <p>23 will be in this case?</p> <p>24 A. Yeah, I did not see a weapon.</p> <p>25 Q. All right. Has any medical professional ever</p>	
	<p style="text-align: center;">Page 43</p> <p>1 Q. So I stopped it right after you were asked, "Now</p> <p>2 when you came -- you said you started to come through the</p> <p>3 house, you observed your grandson lying on the floor." And</p> <p>4 you answered, "Yeah, he was." Is that right?</p> <p>5 A. In a way, yes.</p> <p>6 Q. Did you observe your grandson lying on the floor?</p> <p>7 A. Yes.</p> <p>8 Q. All right. I'm going to carry on from there</p> <p>9 right where we left off.</p> <p>10 (Audio recording played.)</p> <p>11 Q. And you were asked, "Was there a weapon in his</p> <p>12 hands or near --" and you answered, "I can't say. I'm</p> <p>13 legally blind." That's what you said in your statement</p> <p>14 given about an hour after the shooting at issue in this</p> <p>15 case.</p> <p>16 A. I can't remember that.</p> <p>17 Q. Okay.</p> <p>18 MR. DOWD: Can you play it again?</p> <p>19 MR. WHEATON: Sure.</p> <p>20 (Audio recording played.)</p> <p>21 MR. DOWD: Did you hear it that time?</p> <p>22 WITNESS: Yeah.</p> <p>23 (Audio recording played.)</p> <p>24 WITNESS: Yeah, I remember.</p> <p>25 Q. (By Mr. Wheaton) Catch it that time?</p>	<p style="text-align: center;">Page 45</p> <p>1 told you that you're legally blind?</p> <p>2 A. Years ago, a doctor did.</p> <p>3 Q. What doctor?</p> <p>4 A. An eye doctor did.</p> <p>5 Q. How many years ago?</p> <p>6 A. About 15 years ago maybe. I was having trouble</p> <p>7 with my eyesight.</p> <p>8 Q. Now, what's -- I'll just tell you -- well, let me</p> <p>9 ask you this: What's your understanding of what it means</p> <p>10 to be legally blind?</p> <p>11 A. I don't know what it means.</p> <p>12 Q. What did you mean when you said it on January --</p> <p>13 on June 7, 2017?</p> <p>14 A. It's what somebody told me.</p> <p>15 Q. All right. Now --</p> <p>16 A. I know what blind is.</p> <p>17 Q. Right.</p> <p>18 A. But I don't know what legally blind is.</p> <p>19 Q. Okay.</p> <p>20 MR. WHEATON: Can we take a quick break, Richard?</p> <p>21 MR. DOWD: Sure.</p> <p>22 VIDEOGRAPHER: At 11:20 a.m., we are going off</p> <p>23 the record.</p> <p>24 (Brief recess.)</p> <p>25 VIDEOGRAPHER: At 11:31 a.m., we are back on the</p>	

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<p style="text-align: center;">Page 46</p> <p>1 record.</p> <p>2 Q. (By Mr. Wheaton) Mr. Torres, I've asked you a 3 number of questions about your eyesight, but I was just 4 asking you about that diagnosis of being legally blind 5 which I think you said was about 15 years ago; is that 6 right?</p> <p>7 A. Yes.</p> <p>8 Q. And what was that doctor's name that diagnosed 9 you as legally blind?</p> <p>10 A. I can't remember.</p> <p>11 Q. Do you remember where the doctor's office was at?</p> <p>12 A. It was at Jewish before they tore it down.</p> <p>13 Q. At Barnes-Jewish?</p> <p>14 A. Yes. It was Jewish by itself.</p> <p>15 Q. Oh, okay.</p> <p>16 A. And Barnes was by their self before they merged.</p> <p>17 Q. Okay. But you're confident that diagnosis of 18 being legally blind was given to you at Jewish Hospital?</p> <p>19 A. Yeah, I'm pretty sure, yes.</p> <p>20 Q. Is that what it was called, Jewish Hospital?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And you don't remember the doctor's name?</p> <p>23 A. No.</p> <p>24 Q. And you mentioned that you've seen a doctor since 25 for your eyesight.</p>	<p style="text-align: center;">Page 48</p> <p>1 Q. Is there any indication on your driver's license 2 that you have impaired vision?</p> <p>3 A. No.</p> <p>4 Q. Okay. So as far as your license is concerned, 5 you do not have impaired vision.</p> <p>6 A. No.</p> <p>7 Q. Okay. Now, I want to get back to the incident at 8 issue in this case. Okay? Did you at any point in time 9 call 911?</p> <p>10 A. Yes.</p> <p>11 Q. What did you say when you called 911?</p> <p>12 A. That somebody is shooting up my house.</p> <p>13 Q. Anything else?</p> <p>14 A. Lots of shots.</p> <p>15 Q. Okay.</p> <p>16 A. Don't know who's doing it.</p> <p>17 Q. Do you remember calling 911?</p> <p>18 A. Yes.</p> <p>19 Q. At what point in time in the progression of this 20 incident did you call 911?</p> <p>21 A. When I was on the floor.</p> <p>22 Q. After Isaiah had come into the room?</p> <p>23 A. Yes.</p> <p>24 Q. And --</p> <p>25 A. -- were a lot of shots --</p>
<p style="text-align: center;">Page 47</p> <p>1 A. Yes.</p> <p>2 Q. And what was that doctor's name again?</p> <p>3 A. I don't know. It's a foreign -- foreign name I 4 can't pronounce.</p> <p>5 Q. Okay. And then Dr. Berk, that's your primary 6 care physician.</p> <p>7 A. Yes.</p> <p>8 Q. Yes. Okay. Is that the -- well, let me ask you 9 since that initial diagnosis of being legally blind 15 10 years ago, has any medical professional told you since that 11 you're legally blind?</p> <p>12 A. No.</p> <p>13 Q. Okay. Has any government agency either by 14 correspondence or by one of its employees told you that 15 you're legally blind?</p> <p>16 A. No.</p> <p>17 Q. Do you have a driver's license?</p> <p>18 A. Yes.</p> <p>19 Q. Are you able to drive?</p> <p>20 A. Yes.</p> <p>21 Q. Did you currently drive?</p> <p>22 A. Not right now.</p> <p>23 Q. All right. When was the last time you drove?</p> <p>24 A. 27 -- the year 2'17 around June 1st -- I meant 25 January 1st in 2017.</p>	<p style="text-align: center;">Page 49</p> <p>1 Q. -- placed you on the floor?</p> <p>2 A. Yes.</p> <p>3 Q. Then you called 911?</p> <p>4 A. Yes.</p> <p>5 Q. What phone did you use to call 911?</p> <p>6 A. Mine.</p> <p>7 Q. A cell phone?</p> <p>8 A. Yes.</p> <p>9 Q. Did you have it on your person when you were 10 placed --</p> <p>11 A. It was --</p> <p>12 Q. -- onto the floor?</p> <p>13 A. -- right up. I could reach it from my table.</p> <p>14 Q. Is that what you did?</p> <p>15 A. Yes.</p> <p>16 Q. And was that where your attention went to, 17 grabbing the phone and calling 911?</p> <p>18 A. Yes.</p> <p>19 Q. And I know I asked you this but just to be sure, 20 can you remember saying anything else to the 911 operator 21 other than what you've already testified about?</p> <p>22 A. All I know is I says just a lot of shot --</p> <p>23 shooting going on shooting up my house. I don't know who's 24 doing it.</p> <p>25 Q. And I think we covered this early on, but you</p>

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<p>1 were asleep and were woken up by loud noises; is that 2 right?</p> <p>3 A. Pardon me?</p> <p>4 Q. Were you sleeping just prior to --</p> <p>5 A. Yes.</p> <p>6 Q. And just once more, I paused there. That's my 7 fault. But were you sleeping just prior to the incident at 8 issue in this case occurring?</p> <p>9 A. Yes.</p> <p>10 Q. And you were woken up by a loud noise or loud 11 noises.</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. Did you at any point in time hear yelling?</p> <p>14 A. No.</p> <p>15 Q. Never heard any yelling?</p> <p>16 A. Not until it's all over.</p> <p>17 MR. DOWD: Not what?</p> <p>18 WITNESS: Until it's over after all the shooting.</p> <p>19 Q. (By Mr. Wheaton) You did not hear any yelling 20 until after all the shooting was over, is that your 21 testimony?</p> <p>22 A. Yes.</p> <p>23 Q. I'm going to go back to this audio recording here 24 briefly. I'm going to start playing it -- let me get a 25 time stamp here. I'm going to start playing it from a</p>	<p>1 Q. So -- and I'm just trying to understand that when 2 you gave your statement to officers about an hour after 3 this incident when you said, "Then I hear yelling," you 4 were talking about --</p> <p>5 A. I never told that --</p> <p>6 Q. -- people --</p> <p>7 A. -- officer I heard yelling.</p> <p>8 Q. Let me get the question out.</p> <p>9 MR. DOWD: Yeah, let him finish, Dennis.</p> <p>10 WITNESS: Oh, okay.</p> <p>11 Q. (By Mr. Wheaton) So when you gave your statement 12 about an hour after this incident occurred and you said, 13 "Then I hear yelling," you were talking about officers 14 saying -- officers yelling, "Come out with your hands up."</p> <p>15 MR. DOWD: Objection.</p> <p>16 Q. (By Mr. Wheaton) Is that right?</p> <p>17 MR. DOWD: Objection, misstates his testimony.</p> <p>18 Q. (By Mr. Wheaton) You can answer if you 19 understand the question, sir.</p> <p>20 A. Pardon me?</p> <p>21 Q. When you said, "Then I hear yelling," you were 22 talking about officers yelling, "Come out with your hands 23 up," is that right?</p> <p>24 MR. DOWD: Objection. It's leading. It's 25 misstating his testimony.</p>
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<p>1 minute and 4 seconds.</p> <p>2 (Audio recording played.)</p> <p>3 Q. Did you hear where you said in your statement, 4 "Then I hear yelling"?</p> <p>5 A. That was my grandson saying don't shoot.</p> <p>6 Q. So when you said, "Then I hear yelling," it's 7 your testimony today that that was your grandson.</p> <p>8 A. Yes.</p> <p>9 MR. DOWD: Objection --</p> <p>10 WITNESS: Oh.</p> <p>11 MR. DOWD: -- it's been asked and answered.</p> <p>12 Q. (By Mr. Wheaton) Did you hear any other yelling 13 at any point in time?</p> <p>14 A. After all the stuff was done, yes, I heard it 15 when I was in my dining room when Isaiah was laying on the 16 floor. I could see my front door, seen someone there. He 17 says -- they yelled at me, "Come out with your hands up" 18 and I did. That's the only yelling I heard.</p> <p>19 Q. The only yelling you heard was come out with your 20 hands up?</p> <p>21 A. Yes.</p> <p>22 Q. That's it?</p> <p>23 A. That's it.</p> <p>24 Q. No other yelling?</p> <p>25 A. No.</p>	<p>1 Q. (By Mr. Wheaton) Go ahead, sir.</p> <p>2 MR. DOWD: Don't change your testimony for him.</p> <p>3 MR. WHEATON: No coaching the witness, please,</p> <p>4 Richard.</p> <p>5 MR. DOWD: I can't help it.</p> <p>6 Q. (By Mr. Wheaton) Go ahead, Dennis.</p> <p>7 MR. DOWD: This is absurd.</p> <p>8 Q. (By Mr. Wheaton) The question again is when you 9 said, "Then I hear yelling," you were talking about 10 officers yelling, "Come out with your hands up," is that 11 right?</p> <p>12 A. After everything was over with, yes.</p> <p>13 Q. Thank you. And I'm going to carry on playing 14 this from right where I left off at 1 minute and 40 15 seconds. Okay?</p> <p>16 (Audio recording played.)</p> <p>17 Q. So you just said, "So as I'm coming towards the 18 front, I see my grandson laying dead in the dining room 19 floor." I want to ask you about as you came out of the 20 house. Okay? After officers said, "Come out with your 21 hands up," did you?</p> <p>22 A. Yes.</p> <p>23 Q. And did you use your wheelchair to do that?</p> <p>24 A. Yes.</p> <p>25 Q. And did you wheel your chair from your back</p>

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<p style="text-align: right;">Page 54</p> <p>1 bedroom out to the front of the house?</p> <p>2 A. Yes.</p> <p>3 Q. And as you were wheeling through the living room,</p> <p>4 is that when you saw your grandson?</p> <p>5 A. Yes.</p> <p>6 Q. Were there any officers in the house still as you</p> <p>7 were wheeling towards the front?</p> <p>8 A. No.</p> <p>9 Q. Were officers continuing to give you any commands</p> <p>10 as you were wheeling towards the front of the house?</p> <p>11 A. No.</p> <p>12 Q. When you got to the front door, what did you see?</p> <p>13 A. Police.</p> <p>14 Q. How many?</p> <p>15 A. Quite a bit.</p> <p>16 Q. What were they wearing?</p> <p>17 A. They had SWAT and then guys in regular clothes</p> <p>18 and then some in uniform.</p> <p>19 Q. Was that the first time that you had seen any</p> <p>20 police officers?</p> <p>21 A. Yeah.</p> <p>22 Q. You're sure about that?</p> <p>23 A. Yeah.</p> <p>24 Q. Yeah?</p> <p>25 A. Oh, no, I --</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Okay. And --</p> <p>2 A. -- when I got on the porch. They said they</p> <p>3 didn't -- this one officer, heavy-set guy, said, "We don't</p> <p>4 need no search warrant."</p> <p>5 Q. Do you know that officer's name?</p> <p>6 A. No.</p> <p>7 Q. What did he look like other than being --</p> <p>8 A. African American.</p> <p>9 Q. -- heavyset?</p> <p>10 A. Big, heavy.</p> <p>11 Q. Were you ever provided with a search warrant --</p> <p>12 A. No.</p> <p>13 Q. -- relative to the search --</p> <p>14 A. Aah --</p> <p>15 Q. -- of your home?</p> <p>16 A. -- about 6 o'clock that evening.</p> <p>17 Q. 6 o'clock that evening. You were given a search</p> <p>18 warrant at 6 o'clock that evening?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Now, you also mentioned in your statement</p> <p>21 that your grandson had been involved in a shooting a few</p> <p>22 days prior to this incident. Do you remember that?</p> <p>23 A. Yes.</p> <p>24 Q. Tell me what you know about that shooting.</p> <p>25 A. I really don't know that much about it.</p>
<p style="text-align: right;">Page 55</p> <p>1 MR. DOWD: Take your time.</p> <p>2 WITNESS: Okay. After my grandson put me on the</p> <p>3 floor, he went in the dining room. He said, "Please don't</p> <p>4 shoot." There's guys in black uniforms in my dining room I</p> <p>5 could see from my bed, the foot of my bed. I could see</p> <p>6 inside everything.</p> <p>7 Q. (By Mr. Wheaton) Let me ask you this: When was</p> <p>8 the first --</p> <p>9 MR. DOWD: Well, let him finish his answer. You</p> <p>10 can finish your answer.</p> <p>11 WITNESS: God.</p> <p>12 MR. DOWD: Go ahead.</p> <p>13 Q. (By Mr. Wheaton) When was the first time that</p> <p>14 you saw police officers?</p> <p>15 A. After my grandson was shot.</p> <p>16 Q. Okay. Thank you. Did you come to learn that</p> <p>17 there was a warrant for a search of your home?</p> <p>18 A. No.</p> <p>19 Q. Did you -- I mean, did you learn that at any</p> <p>20 point in time --</p> <p>21 A. No.</p> <p>22 Q. -- before or after this incident?</p> <p>23 A. No. I asked them for a warrant.</p> <p>24 Q. You asked them for a warrant?</p> <p>25 A. Yes --</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. How did you first learn about that shooting</p> <p>2 that --</p> <p>3 A. Through my daughter.</p> <p>4 Q. -- your grandson -- and, I'm sorry --</p> <p>5 A. Oh, I'm sorry.</p> <p>6 Q. -- just let me get the question out. Okay? How</p> <p>7 did you first learn about that shooting that your grandson</p> <p>8 was involved in a few days prior to the incident at issue</p> <p>9 in this case?</p> <p>10 A. Through my daughter.</p> <p>11 Q. Through your daughter. Your daughter, Gina?</p> <p>12 A. Yes.</p> <p>13 Q. What did she tell you?</p> <p>14 A. She just said that somebody was shooting at</p> <p>15 Isaiah and Isaiah was shooting back and he called the</p> <p>16 police. They took his gun he had. One of his friends was</p> <p>17 shot I think in the leg.</p> <p>18 Q. Do you know where that incident occurred?</p> <p>19 A. Somewhere up around 7-Eleven.</p> <p>20 Q. Do you know who your grandson was with?</p> <p>21 A. No.</p> <p>22 Q. But it's your testimony that the police took a</p> <p>23 gun that your grandson has in his possession?</p> <p>24 A. I can't hear you.</p> <p>25 Q. It's your testimony that the police took a gun</p>

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<p style="text-align: center;">Page 58</p> <p>1 that your grandson had in his possession during that 2 shooting? 3 A. Yes. 4 Q. And what kind of gun was that? 5 A. I don't know. It might have been my Ruger I gave 6 him. 7 Q. What caliber was that weapon? 8 A. A 9. 9 Q. And, I'm sorry, you may have answered this 10 already but was your grandson with his friends at the time? 11 A. Huh? 12 Q. Was your grandson with his friends -- 13 A. Yes. 14 Q. -- at the time of that shooting? 15 A. Yes. 16 Q. Do you know which friends? 17 A. No. 18 Q. Did your grandson's friends hang out at your 19 house often? 20 A. Pardon me? 21 Q. Did your grandson's friends hang out at your 22 house often? 23 A. Oh, yes. 24 Q. And what were their names? 25 A. I don't know the names.</p>	<p style="text-align: center;">Page 60</p> <p>1 Q. No? 2 A. (Witness shook head.) 3 Q. So when you said one woman was shot, two women 4 were shot in the alley, do you know why you said that? 5 A. No. I don't remember saying that. 6 Q. All right. And you said, "And his friend got 7 shot in the chest and one in the hand." Do you remember 8 that happening? 9 A. No. The only one I know is a buddy getting shot 10 in the leg. 11 Q. Can you say that one more time for me? 12 A. Only thing I know about is this one guy shot in 13 the leg. 14 Q. And that's the only person, as you sit here 15 today, that you know got shot during that incident. 16 A. Yes. 17 Q. Do you know that friend's name? 18 A. No. 19 Q. And you said that they took Isaiah's weapon 20 because he fired back at them. 21 A. Yes. 22 Q. Is that, as you sit here today, still your 23 understanding of what happened during that prior shooting? 24 A. Yes, I guess. 25 Q. So on June 7, 2017, you knew that your grandson</p>
<p style="text-align: center;">Page 59</p> <p>1 Q. They were there often but you don't know their 2 names? 3 A. No, I don't know their names. I'm not good with 4 names. 5 Q. All right. I'm going to carry on with this 6 recording. I'm going to jump ahead just a little bit. 7 Let's try 225. 8 (Audio recording played.) 9 Q. I'll stop it right here. And if you need to hear 10 that again -- 11 A. No. 12 Q. -- we can. Okay? What I'm reading off the 13 transcript here, you said, "Because he was involved in a 14 shooting last week, two weeks ago, where those -- one woman 15 was shot and two women were shot in the alley. He was in 16 his car. They were coming out of 7-Eleven getting gas. 17 SUV, he said, came out of the alley, started 18 shooting. And his friend got shot in the chest and one in 19 the hand. And they took his weapon because he fired back 20 at them." 21 Let me ask you some questions about that because 22 there's a lot going on there. Okay? Was it -- is it your 23 understanding that at least one woman was shot during that 24 incident? 25 A. No.</p>	<p style="text-align: center;">Page 61</p> <p>1 had been involved in a shooting the week prior where his 2 friend got shot in the leg and where Isaiah had shot back 3 at people shooting them. 4 A. Yes. 5 Q. And you knew that, in part, because your 6 daughter, Gina, had told you that, right? 7 A. Yes. 8 Q. Did you ever talk with Isaiah about that 9 incident? 10 A. No. 11 Q. Never? 12 A. No. 13 Q. You never asked him? 14 A. No. 15 Q. So your daughter told you that your grandson who 16 lived with you had been involved in a violent shooting 17 where he fired back at somebody else and you never brought 18 it up with him? 19 A. Yes. 20 Q. Why not? 21 A. Why should I? 22 Q. Is it just your opinion -- 23 A. It's I -- 24 Q. -- that's his business? 25 A. -- I don't pay attention for my grandson does.</p>

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<p style="text-align: center;">Page 62</p> <p>1 He's a grown boy. 2 Q. He was an adult at the time. He was 21, right? 3 A. I don't get involved with people, my daughter's, 4 anybody's stuff. I just my own business. 5 Q. That was Isaiah's business, right? 6 A. Right. 7 Q. And you were not going to ask him -- 8 A. No. 9 Q. -- about his business. Is that right? 10 A. No. Gina -- my daughter Gina told me about it so 11 why should I ask him about it and pester him about it? 12 Q. All right. Do you know what your grandson did 13 for a living? 14 A. He had odd jobs. I know he worked at CJ's or 15 something like that, TJ's, CJ's, I don't know. 16 Q. What kind of business was that? 17 A. Makes sandwiches I guess and pizzas. 18 Q. How long did he work there? 19 A. I don't know. 20 Q. Do you know whether he was working there at the 21 time of the incident, June 7, 2017 -- 22 A. No, he wasn't. They let him go because he missed 23 too many days because he had to take care of me. 24 Q. Is that something that Isaiah told you? 25 A. Oh, I know. I know that's it because I told</p>	<p style="text-align: center;">Page 64</p> <p>1 Q. Who handled your money, you? 2 A. I did. 3 Q. Had you ever seen any drugs in your house? 4 A. No. 5 Q. Had you ever seen any guns in your house? 6 A. No. 7 Q. Never? 8 A. No. 9 Q. I'm asking about any guns that -- 10 A. Just mine. 11 Q. -- in your home. 12 A. Just mine, no one -- no one else's guns, just my 13 guns. 14 Q. How many guns did you own? 15 A. I don't know, black powder, a hand gun, black 16 powder, all hunting weapons to hunt and a 2 -- couple .22s 17 for my granddaughter, it was pink; a .243 I bought Isaiah 18 when he was about seven years old for deer hunting. 19 My grandfather gave me guns. He gave me a 12 20 gauge and 20 gauge before he died, and he gave me a buffalo 21 gun before he died. I -- and I gave Isaiah a shotgun I had 22 when I was 12 years old. And then I gave him a pistol for 23 Christmas. 24 Q. What caliber was that pistol? 25 A. 9.</p>
<p style="text-align: center;">Page 63</p> <p>1 Isaiah, "You're probably going to get fired doing all 2 this." 3 Q. Doing all what? 4 A. Taking care of me, doing things for me I needed 5 help with. 6 Q. Did Isaiah ever give you money? 7 A. Yes. 8 Q. Do you know where he got it from? 9 A. I think the VA or somebody paid him. 10 Q. Let me ask you this: Did you ever get any -- 11 well, personally what was your source of financial support 12 in June of 2017? 13 A. Social Security and VA dis -- VA benefits. 14 Q. Anything else? 15 A. Service connecting -- service-connected benefits. 16 Q. Did -- to your knowledge, did Isaiah have access 17 to those funds? 18 A. Huh? 19 Q. To your knowledge, did Isaiah have access to 20 those funds, to that money? 21 A. No. 22 MR. DOWD: You mean to his money? 23 MR. WHEATON: Right. 24 Q. (By Mr. Wheaton) That's what I'm asking about. 25 A. No.</p>	<p style="text-align: center;">Page 65</p> <p>1 Q. So how many guns in total were there in your 2 house on June 7, 2017? 3 A. About 16 in my closet with locks on the triggers 4 so you can't -- you got to use a key to shoot them. They 5 all had safety locks on them. 6 Q. How often did you go into Isaiah's bedroom? 7 A. A lot, a lot of times I go and see what he's 8 doing. And his friends being there, I go in and pester 9 them or we'll watch a movie together so quite a bit. 10 Q. How many times per week? 11 A. I'd say during the day, hardly any because he 12 wouldn't be home. Mostly at night, I go in about three or 13 four times and pester them when their friends are in there. 14 Every time I get up, get a drink or something, I go in and 15 say something to him. 16 MR. WHEATON: What exhibit are we on here? 17 MS. McGOWAN: G. 18 MR. WHEATON: So this will be G. 19 Richard, do you remember where we left off on the 20 exhibits or -- 21 MS. McGOWAN: I have the -- 22 MR. DOWD: I think it's F. 23 MR. WHEATON: So the next will be G. 24 MS. McGOWAN: Yeah. (Defendant's Exhibit G marked.)</p>

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<p>1 Q. I'm going to show you what's been marked as 2 Exhibit G. 3 A. Yes. 4 Q. Do you recognize the weapon in that photograph? 5 A. Yes. 6 Q. Whose is it? 7 A. It was mine. 8 Q. And then whose was it? 9 A. I gave it to my grandson -- 10 Q. And what -- 11 A. -- as a Christmas present. 12 Q. -- kind of gun is it? 13 A. A Ruger 9 millimeter. 14 Q. That's a Ruger 9 millimeter? 15 A. Yes. 16 Q. That's not a Bersa 380? 17 A. Could be. I did have a 380. I could have gave 18 him the 380 and I kept the Ruger. This could have been the 19 380 because I did give him a pistol. I ain't going to lie. 20 I did give him a pistol. I don't know if it was the 380 or 21 the Ruger 9. 22 Q. Right. And you see that's laying out on the 23 floor, right? 24 A. Yes. 25 Q. Do you know where that picture was taken?</p>	<p>1 Q. Well, so far you've mentioned a 9 millimeter -- 2 A. Ruger. 3 Q. -- that was used in that shooting about a week 4 prior, right? 5 A. Right. 6 Q. And then -- 7 A. Yeah. 8 Q. -- the rifle leaning up against the wall. 9 A. Yeah. 10 Q. Is that a .22 rifle, do you know? 11 A. I can't tell past that .22 or shotgun I gave him. 12 Q. And then maybe the 380 Bersa -- 13 A. Yes. 14 Q. -- that you can't recall for sure -- 15 A. Yes. 16 Q. -- right? 17 A. Yeah, but this looks like -- this 380 looks like 18 it was planted. 19 Q. What makes you say that? 20 A. I could tell. 21 Q. You can tell based on what? 22 A. By the way where it's at and everything, it was 23 planted there. 24 Q. Anything else that that opinion is based on? 25 A. Huh?</p>
<p style="text-align: center;">Page 67</p> <p>1 A. Nope. 2 Q. Okay. 3 A. It looks like somebody just set it down and 4 opened it up. 5 (Defendant's Exhibit H marked.) 6 Q. I'm going to show you what's been marked as 7 Exhibit H. Can you tell me what you see in that 8 photograph? Do you see a rifle leaning up against the 9 wall? 10 A. Yes. 11 Q. Do you recognize that rifle? 12 A. Yes, that's the one I gave Isaiah. 13 Q. Does it appear that photograph was taken in your 14 house? 15 A. Huh? 16 Q. Does it appear that photograph was taken in your 17 house? 18 A. Yes. 19 Q. And that's one of the guns that you gave to 20 Isaiah. 21 A. Yes. 22 Q. How many guns in total did you give Isaiah? 23 A. I don't -- I can't remember, maybe -- let's see; 24 one at eight years old, he had a BB gun, looked like a real 25 gun.</p>	<p style="text-align: center;">Page 69</p> <p>1 Q. Anything else that that opinion is based on? 2 A. Well, it'd be in a case in his closet. That's 3 where he kept it. 4 Q. That's where he kept it? 5 A. Huh? 6 Q. That's where he kept it was in his closet -- 7 A. Yep -- 8 Q. -- in his case? 9 A. -- in his closet. Somebody took it out and put 10 it there and took a picture and planted it. 11 Q. Now, aside from, perhaps, the 380, the 9 12 millimeter, the .22 rifle, did you ever give any other guns 13 to Isaiah over the course of his life? 14 A. No. 15 Q. All right. 16 A. None. 17 Q. So it's accurate to say that Isaiah owned and had 18 access to multiple firearms; is that right? 19 A. Yeah, but he had to have the key to use them. 20 Q. Not the 380, though -- 21 A. No. 22 Q. -- because that was in his closet. 23 A. My rifles. 24 Q. Right. 25 A. My weapons, he had to have a key.</p>

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<p style="text-align: right;">Page 70</p> <p>1 Q. But his guns he had complete access to. 2 A. Yes. 3 Q. Because they were in his room. 4 A. Yes. 5 Q. And he kept them in his room. 6 A. Yes. 7 (Defendant's Exhibit I marked.) 8 Q. Let me show you what's been marked as Exhibit I. 9 Does this appear to you to be a jar full of a leafy, green 10 substance? 11 A. I don't know. 12 Q. Had you ever seen that before? 13 A. No. 14 Q. All right. No? 15 A. No. 16 Q. I'll represent to you that after the shooting at 17 issue in this case, officers recovered a quantity of drugs 18 and scales from your son's bedroom. Did you have any 19 knowledge of those having been in your son's bedroom? 20 MR. DOWD: Let me object and move to strike to 21 the form of the question with regard to drugs plural. 22 Q. (By Mr. Wheaton) I'll ask you again. Did you 23 have any knowledge of your grandson having drugs or scales 24 in his bedroom? 25 A. No. I wouldn't allow it.</p>	<p style="text-align: right;">Page 72</p> <p>1 And he call -- he's the one called the police. 2 The police came and took his gu -- I guess Isaiah gave him 3 a statement. They took his gun. That's all I know. I'm 4 just go -- it's all hearsay. 5 Q. (By Mr. Wheaton) I want to move back momentarily 6 to when you -- just after this incident where you got to 7 your front door as you were coming out of the house. Did 8 officers at that point in time say anything to you other 9 than when they had just said, "Come out with your hands 10 up"? 11 A. No. 12 Q. Is that a no? 13 A. No. 14 Q. Other than the questions you were asked during 15 your recorded statement, did you have any other discussions 16 with any other police officers from the City of St. 17 Louis -- 18 A. No. 19 Q. -- regarding this incident? 20 A. No. 21 Q. Do you remember any police officers saying 22 anything else other than "Come out with your hands up" and 23 the questions that you were asked during your recorded 24 statement? 25 A. No.</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. You would not allow that? 2 A. No. If they had drugs, they planted it. 3 MR. WHEATON: And I'll move to strike that 4 responsible as nonresponsive, and it's speculative. 5 Q. (By Mr. Wheaton) To your knowledge, did Isaiah 6 ever use drugs of any kind? 7 A. No. 8 Q. Other than the shooting that you know Isaiah was 9 involved in about a week prior to the incident at issue in 10 this case, had he ever been involved in any other 11 shootings -- 12 A. No. 13 Q. -- to your knowledge? Tell me exactly what Gina 14 said to you, if you can re-- 15 A. Pardon me? 16 Q. Tell me exactly what Gina said to you, if you can 17 recall, when she told you about that shooting that occurred 18 about a week prior to this one. 19 MR. DOWD: Objection, asked and answered. 20 WITNESS: Gina just mentioned something. She had 21 to go -- Isaiah called her. She had to go to Isaiah 22 because somebody was shooting at him. He fired back. The 23 police was there. Somebody blocked him in so he couldn't 24 get out from the shooting -- where the shooting was at 25 blocked him.</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. Okay. 2 MR. WHEATON: Can we take another couple-minute 3 break? 4 MR. DOWD: You about done? 5 MR. WHEATON: Yeah, I think we may be wrapping 6 up. I just want to -- 7 MR. DOWD: Okay. Sure. 8 VIDEOGRAPHER: At 12:03 p.m., we are going off 9 the record. 10 (Brief recess.) 11 VIDEOGRAPHER: At 12:16 p.m., we are back on the 12 record. 13 Q. (By Mr. Wheaton) Mr. Torres, have you ever 14 received any treatment for any mental health condition or 15 disorder? 16 A. Pardon me? 17 Q. Have you ever received or sought treatment for 18 any mental health condition or disorder? 19 A. Yes. 20 Q. What are those? 21 A. I was being seen when I first came home from 22 Vietnam, PTSD, seeing a doctor and going to group for about 23 -- through 1980. Then I didn't have to go no more. 24 Q. I'm sorry to hear that. Were you diagnosed at 25 that time --</p>

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<p style="text-align: center;">Page 74</p> <p>1 A. Yes. 2 Q. -- with Post-Traumatic Stress Disorder? 3 A. PTSD. 4 Q. And you were diagnosed with PTSD? 5 A. Yes. 6 Q. Was that through -- 7 A. 1970. 8 Q. Was that through the VA? 9 A. Yes. 10 Q. And your diagnosis came in 1970 -- 11 A. Yes. 12 Q. -- is that your testimony? Do you still suffer from PTSD? 13 A. No -- well, after all this happened, it brought some of it back. 14 Q. Can you explain what you mean by that? 15 A. It brought some of the fighting back, hearing the shots. When I woke up, I thought I was back in Vietnam. It brought some of the things that happened to me in Vietnam back. 16 Q. Okay. And that's something you experienced while this shooting was actually occurring was you brought the fighting in Vietnam back to you as you were there in your house on June 7, 2017. 17 A. Yes.</p>	<p style="text-align: center;">Page 76</p> <p>1 A. Yes. 2 Q. And you experienced that on June 7, 2017, when you heard these shots? 3 A. Yes. 4 Q. So, in your mind, you were in Vietnam again, not in your house on South Kingshighway. 5 A. Yes. 6 Q. Other than Post-Traumatic Stress Disorder, have you ever been diagnosed with any other mental health condition or disorder? 7 A. No. 8 Q. When was the last time that you sought treatment for any mental health condition or disorder? 9 A. I still see him. I'm still treatment. 10 Q. Where do you go? 11 A. VA. 12 Q. And you're there to get treatment for PTSD? 13 A. I didn't have to. I started getting that, like, back in -- after all this. Before, I just went to groups. 14 Q. Yeah. 15 A. You know, we all talk about things -- 16 Q. Sure. 17 A. -- and what happened. I talked about my grandson, what happened. But now I'm seeing a psychiatrist.</p>
<p style="text-align: center;">Page 75</p> <p>1 Q. Can you explain to me what's that like when you say that you were brought back, that you thought you were there? 2 A. It's hard to explain. It's like before, I was seeing guys in my battalion that was under me because I was the platoon leader that died. And it finally went away. 3 But, now, I see Isaiah in my room standing over me like his tears in his eyes. At my door, I seen him when I was in ICU intensive care at Barnes. 4 I sometimes think he's asking me, it's time to join him, him and my wife 'cause I see her, too. And I talk to him. I'm not crazy. It's just that happens to some people. 5 Q. So you see your wife and your grandson and you talk to them -- 6 A. Yeah. 7 Q. -- as if they were there. Can you -- when you have a flashback like you had on June 7, 2017 -- and, I'm sorry, I'm just trying to understand it best I can. I know it's tough to explain. But is it actually like you're back there in Vietnam? 8 A. Yes. 9 Q. All right. So you actually -- you think that you're back in Vietnam when you're having a flashback like that.</p>	<p style="text-align: center;">Page 77</p> <p>1 Q. Okay. And is that -- I'm just trying to understand, you know. When you did start seeing the psychiatrist? 2 A. A week after my grandson was killed. 3 Q. In the years prior to June 7, 2017, let's say in the five years prior to that date, had you sought any treatment for any mental health condition -- 4 A. No. 5 Q. -- or disorder? Not at all? 6 A. No. 7 Q. Not at the VA, not anyone? 8 A. No. 9 Q. Have we covered all of the symptoms that you suffer from or have suffered from from PTSD? 10 A. I don't know, sir. 11 Q. Does it cause any memory issues for you? 12 A. Pardon me? 13 Q. Does it cause any memory issues for you? 14 A. Yes. 15 Q. Tell me about that. 16 A. I just -- I don't know, just brought back things that happened that I thought went away because I didn't -- 17 I was -- after '80, I was okay, didn't have nightmares and stuff like that. I thought I was doing good until this happened.</p>

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<p>1 I made appointment with my psychiatrist a week 2 later because I told her I can't stand this. I can't 3 sleep. I'm seeing -- I'm having nightmares, just told her 4 -- explained to her everything -- 5 Q. Right. 6 A. -- what happened. 7 Q. So you say you made an appointment with your 8 psychiatrist. 9 A. Yes. 10 Q. Did you already have that psychiatrist at the 11 time when you made that appointment -- 12 A. No -- 13 Q. -- after the shooting? 14 A. -- no, this is a new one. 15 Q. This is a new psychiatrist? 16 A. Yeah, I see her -- I've been seeing her -- I 17 think I see her once every six months. And February 23, I 18 see her at the VA, the psychiatrist. 19 Q. How did you get her name? 20 A. Through the VA through my -- I also have a 21 primary care doctor at the VA and I have one on the 22 outside, one for the VA just so I can get my medicines 23 free. You know, my doctor calls them and then I can get my 24 medicines free. 25 Q. I'm glad you brought up medicines. I want to ask</p>	<p>1 Q. How many times a day? 2 A. Twice. 3 Q. Did you take it today? 4 A. Yes. 5 Q. Did you take it twice already? Did you take it 6 twice already? 7 A. No. 8 Q. Just once? 9 A. Just morning and bedtime -- 10 Q. All right. 11 A. -- or as needed if it's really hurting. 12 Q. And the medication for your sleep, what kind of 13 medication is that? 14 A. ZzzQuil or something Quil. 15 Q. Yeah, I've heard of this one. 16 A. It helps you sleep. 17 Q. Okay. 18 A. But it doesn't work for me. 19 Q. Okay. Does that medic -- 20 A. I've got to talk to my doctor about getting 21 something else. 22 Q. Does that medication have any side effects for 23 you? 24 A. None. 25 Q. Does that make you dizzy at all --</p>
<p style="text-align: center;">Page 79</p> <p>1 you about that. What medications did you take today? 2 A. I don't know. Years ago, I was taking 10 3 milligram Valiums. 4 Q. Okay. Let's start with today right now. What 5 medications are you prescribed currently? 6 A. I don't know the names. 7 Q. How many are there? 8 A. Oh, let's see; I don't know. I got off of a lot 9 of them. I guess about, I don't know, 10. 10 Q. So as of today, you're prescribed about 10 11 different medications? 12 A. Yeah, for different things. 13 Q. What are they for? 14 A. Well, one's for my -- my feet, the pain. One's 15 for to help me sleep. One's for my stomach acid. One's 16 for, oh, my diabetes, and some for my breathing. 17 Q. Anything else? 18 A. Yeah, and -- about it I guess. 19 Q. The pain medication for your feet, do you know 20 what kind of pain medication that is? 21 A. It's Vicodin but it's called another name. 22 Q. Is it hydrocodone? 23 A. Yeah, hydrocodone. 24 Q. Do you take that every day? 25 A. Yes.</p>	<p style="text-align: center;">Page 81</p> <p>1 A. Huh-uh. 2 Q. -- or tired? 3 A. No. I wish it would. 4 Q. All right. Now, we've been talking about 5 medications you're taking now. Let's go back to the day of 6 this incident, June 7, 2017. What medications were you 7 prescribed on that day? 8 A. Before then? 9 Q. On that day before, yeah, so whatever -- 10 A. Well -- 11 Q. -- medications you had current prescriptions for 12 on June 7, 2017. 13 A. Okay. My neuropathy medicine for my foot and 14 leg. 15 Q. The pain medicine, is that what you're saying? 16 A. Yeah, the pain medicine, hydrocodone, stomach 17 acid medicine, stool softener, my puffers. There's 18 something else I'm -- 19 Q. What about Valium? You mentioned that. 20 A. No, I've been off Valium since 1980. 21 Q. What about medication for your diabetes, were you 22 still taking that? 23 A. Yes, and -- 24 Q. And for your breathing? 25 A. Yes.</p>

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<p style="text-align: center;">Page 82</p> <p>1 Q. All right. As you sit here today, do any of the 2 medications you take affect your ability to remember or to 3 answer questions --</p> <p>4 A. No.</p> <p>5 Q. -- truthfully?</p> <p>6 A. No.</p> <p>7 Q. On June 7, 2017, were you on any medications that 8 affected your ability to remember things that you were 9 seeing or that affected your memory at all?</p> <p>10 A. No.</p> <p>11 Q. I understand you had a few dogs on June 7, 2017, 12 is that right?</p> <p>13 A. Pardon me?</p> <p>14 Q. Did you have any dogs on June 7, 2017?</p> <p>15 A. Yes.</p> <p>16 Q. How many?</p> <p>17 A. Two.</p> <p>18 Q. What kind of dogs?</p> <p>19 A. One was -- is a pit and one is a Shepherd and 20 Wott.</p> <p>21 Q. Can you spell that for me?</p> <p>22 A. Rottweiler, you know --</p> <p>23 Q. Oh, Rottweiler.</p> <p>24 A. -- part Shep -- yeah, part Shepherd and part 25 Rottweiler.</p>	<p style="text-align: center;">Page 84</p> <p>1 A. Yeah.</p> <p>2 Q. So between the bed --</p> <p>3 A. Between my wheelchair and me --</p> <p>4 Q. All right.</p> <p>5 A. -- they were laying.</p> <p>6 Q. Just to get a layout of the room here, if we look 7 at a picture of your bed on one wall --</p> <p>8 A. Right, it's -- okay. Here's my bed this way.</p> <p>9 I'm here. My wheelchair's here and my dogs were right 10 here.</p> <p>11 Q. And the closet's over here.</p> <p>12 A. Yes.</p> <p>13 Q. All right. So the dogs were between you --</p> <p>14 A. And my close --</p> <p>15 Q. -- and your closet.</p> <p>16 A. Closet, yeah.</p> <p>17 Q. Both of them?</p> <p>18 A. Yes.</p> <p>19 Q. All right. Did they ever move from that 20 position?</p> <p>21 A. No.</p> <p>22 Q. Okay.</p> <p>23 A. They were too scared.</p> <p>24 Q. Now, after this incident occurred other than the 25 statement that you gave to investigating police officers,</p>
<p style="text-align: center;">Page 83</p> <p>1 Q. Yeah.</p> <p>2 A. I go Wott.</p> <p>3 Q. Got you. Were those dogs in the house on June 4 7 --</p> <p>5 A. Yes.</p> <p>6 Q. -- 2017? Were they in your room at the time when 7 you first heard shots?</p> <p>8 A. Yeah. They got scared.</p> <p>9 Q. Did they bark?</p> <p>10 A. No. They don't bark unle -- they bark. Somebody 11 could be walking down the street then. They know and they 12 run in the front room and bark. But that time, they didn't 13 bark at all.</p> <p>14 Q. Did the dogs stay in your room --</p> <p>15 A. Yes.</p> <p>16 Q. -- throughout the shooting at issue in this case?</p> <p>17 A. Yes. They laid right by my side.</p> <p>18 Q. Where were they laying in relation to you as you 19 were laying on the floor?</p> <p>20 A. Right here.</p> <p>21 Q. To the left of you?</p> <p>22 A. Yes.</p> <p>23 Q. Closer to the doorway?</p> <p>24 A. No, closer to the -- where my clothes are.</p> <p>25 Q. To the closet?</p>	<p style="text-align: center;">Page 85</p> <p>1 did you make any other statements to anyone about this 2 shooting?</p> <p>3 A. No.</p> <p>4 Q. What about the press?</p> <p>5 A. Pardon me?</p> <p>6 Q. What about the press?</p> <p>7 A. No.</p> <p>8 Q. Did you give any --</p> <p>9 A. Oh, yes, Channel 4.</p> <p>10 Q. Channel 4 KMOV news.</p> <p>11 A. Yeah.</p> <p>12 Q. You gave an interview to them.</p> <p>13 A. Yes.</p> <p>14 Q. At the scene that day.</p> <p>15 A. Yes.</p> <p>16 Q. Are there any other statements other than to 17 investigating police officers and to Channel 4 news that 18 you gave to anyone about the shooting at issue --</p> <p>19 A. No.</p> <p>20 Q. -- in this case other than your attorney?</p> <p>21 A. No.</p> <p>22 Q. Have you ever been interviewed by any other news 23 agency or outlet regarding this incident other than by 24 Channel 4 news?</p> <p>25 A. No. I have talked about it in group. That's</p>

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<p>1 what group therapy is, you know, to help get it off your 2 shoulder and your mind, make you feel rest, but that's 3 about it, no -- no TV, no radio, no lawyers, no nothing. I 4 ain't said nothing to nobody.</p> <p>5 Q. Okay. I want to ask you just a little bit about 6 your -- before we wrap up here about your relationship with 7 Isaiah. Okay?</p> <p>8 A. (Witness nodded.)</p> <p>9 Q. I understand that he had lived with you for a few 10 years prior to June 7, 2017, right?</p> <p>11 A. He stayed, you know, not permanent.</p> <p>12 Q. In the years leading up -- so are you saying that 13 in the -- let's say the three years leading up to Isaiah's 14 death, he lived with you but not permanently?</p> <p>15 A. Yes.</p> <p>16 Q. Where did he stay other than with you?</p> <p>17 A. His mother's.</p> <p>18 Q. And that was an address on --</p> <p>19 A. Tennessee.</p> <p>20 Q. -- Tennessee in the city.</p> <p>21 A. Yes.</p> <p>22 MR. DOWD: Yeah, I'll object. This has all been 23 asked and answered.</p> <p>24 MR. WHEATON: I'm just -- and I apologize. I'm 25 just trying to wrap my head around this. Okay.</p>	<p>1 A. Yes. 2 Q. -- passing away? 3 A. Yeah. 4 Q. Where did you all -- 5 A. I think so -- 6 Q. -- go? 7 A. -- yeah, I had my wooden leg, yes. 8 Q. Okay. Where did you like to go hunting at? 9 A. Mark Twain State Park. 10 Q. Okay. 11 A. It's up around Hannibal. 12 Q. When was the last time you remember doing that? 13 A. I guess the year before. That was the last time. 14 It was on a handicap hunt. 15 Q. Okay. In the, let's say, three years leading up 16 to Isaiah's death, was he usually gone during the day? 17 A. Yeah. 18 Q. Do you know where he went? 19 A. Work -- 20 Q. Where -- 21 A. -- and school. 22 Q. Okay. How old was he when he passed away? 23 A. Huh? 24 Q. How old was he when he passed away? 25 A. I don't know, 17 I think.</p>
<p style="text-align: center;">Page 87</p> <p>1 Q. (By Mr. Wheaton) How many nights per week, let's 2 say, in the three years prior to Isaiah's death did he stay 3 with you at your house?</p> <p>4 A. Almost every weekend because we'll go hunting, 5 squirrel hunting. We'll go rabbit hunting. I took him 6 with me everywhere. Every time I went to go hunting when 7 he was little, he went with me. He was my buddy.</p> <p>8 Q. Okay. Other than you two hunting together, were 9 there any other activities that you two enjoyed doing 10 together?</p> <p>11 A. Yeah, we went up to the Pond range on I 44 and we 12 shot a gun. He shot the rifle I bought him, 243; shot the 13 pistol I gave him. He shot my black powder, just went up 14 to have fun and shoot.</p> <p>15 Q. So you two liked to go hunting together and you 16 liked --</p> <p>17 A. Yeah.</p> <p>18 Q. -- to go to the range together.</p> <p>19 A. Yeah.</p> <p>20 Q. Anything else that you two liked to do together?</p> <p>21 A. Watch TV, about it, you know. I was -- we went 22 to movies together. That's about it.</p> <p>23 Q. Okay. Now, were you still able to go hunting 24 with your grandson in the, let's say, three years prior to 25 his --</p>	<p style="text-align: center;">Page 89</p> <p>1 Q. Okay. 2 A. I'm not sure. I -- I meant, I don't know my 3 daughters' ages, which I should, or my grand kids's ages. 4 I should, but I don't know what their ages, I'm sorry. 5 Q. Do you know whether Isaiah was still in school at 6 the time that he passed away? 7 A. I can't remember, sir. 8 Q. You can't remember? 9 A. No. 10 Q. That's fair. You referenced in your statement 11 just following this incident -- and just to shortcut, I'm 12 going to go ahead and read from the transcript. You say -- 13 you said, "We've been having trouble for years. Okay? I 14 was sitting on the front porch and someone else -- and this 15 boy that knew my grandson drove by, shot at us. 16 I called the police. We gave them the boy's name 17 and the lawyer threatened to kick us out and he refused to 18 lock that boy up for shooting at us." Do you remember this 19 -- referring to this incident at all? 20 A. Yeah. 21 Q. Tell me what happened, to your memory, with 22 regard to this -- 23 A. Well -- 24 Q. -- incident where -- 25 A. -- the -- it was a -- I thought it was his old</p>

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<p style="text-align: center;">Page 90</p> <p>1 friend, good friend, because he used to come over to my 2 house, you know. And my daughter -- and my grandson was 3 going with this girl and he started dating her. 4 And I guess they got in an argument or something. 5 And we was all sitting outside. I was sitting on a tire in 6 front of my windows. And he came by and shot. And the 7 bullet went right in the tire. 8 I called the police. They came by. I told them 9 what's going on. They wouldn't do nothing. They just 10 says, "Well, tell them stay away." 11 Q. So -- 12 A. I feel if it was me, I'd be locked up. 13 Q. So your son's friend that you knew -- 14 A. Yeah. 15 Q. -- was in a fight with your grandson over a girl. 16 A. Yeah. 17 Q. And you saw that person come by and shoot at you 18 and Isaiah. 19 A. Yeah. 20 Q. And you reported that to the police. 21 A. Yeah. 22 Q. When did that occur? 23 A. I don't know, way before this happened. 24 Q. So I know you said you've been having trouble for 25 years in your interview. Can you give me an idea as to how</p>	<p style="text-align: center;">Page 92</p> <p>1 is that something Isaiah told you? 2 A. Yeah. 3 Q. Okay. Did he tell you anything else? 4 A. No, just they got into it. I go, "Well, damn, 5 you guys were good friends. You used to go to school 6 together. You spent the night at his house. He spent the 7 night at our house." You know, I thought they were, but I 8 guess friendships don't last very long. 9 Q. Okay. Other than that shooting, the one where 10 Isaiah's grandson (sic) shot at him on the porch, the 11 incident where Isaiah shot back at somebody else about a 12 week prior to this shooting, are there any other shootings 13 that your grandson was involved in that we've not talked 14 about -- 15 A. No, sir. 16 Q. -- today? 17 A. No, sir. 18 Q. All right. That's all the questions I've got for 19 you, sir. Thank you.</p> <p style="text-align: center;">CROSS-EXAMINATION</p> <p>20 BY MR. DOWD:</p> <p>21 Q. Okay. Dennis, I'm going to ask you some 22 questions, give the jury some background on you. Would you 23 tell the jury where you were born and raised. 24 A. St. Louis. I raised in Jennings, Missouri.</p>
<p style="text-align: center;">Page 91</p> <p>1 many years prior to the shooting at issue in this case that 2 incident occurred where your grandson's friend shot at him? 3 A. Yeah. What? 4 Q. How many years? I'm just trying to get a time 5 frame. 6 A. Wait, what's that? What did you ask? 7 Q. So we're talking about this incident where your 8 grandson's friend drove by and shot at him. 9 A. Yeah. 10 Q. I'm just trying to get a general idea when that 11 happened. 12 A. I can't remember. 13 Q. No idea? 14 A. No. It was way before the incident at my house. 15 Q. Do you remember how old Isaiah was at the time? 16 A. God, about 16, 15 years old. 17 Q. A teenager? 18 A. Yeah. 19 Q. Did you ever ask Isaiah about that incident after 20 it happened? 21 A. Well, I was sitting on the front porch -- 22 Q. Yeah. 23 A. -- when it happened. I don't have to ask him 24 about it. I was there. 25 Q. And this knowledge about the fight over the girl,</p>	<p style="text-align: center;">Page 93</p> <p>1 Q. Okay. 2 A. And, also, raised in Florida, California. 3 Q. Okay. 4 A. Terre Haute, Indiana. 5 Q. And when did you return to St. Louis after living 6 with -- 7 A. I was -- 8 Q. -- your parents -- let me -- 9 A. -- 16. 10 Q. Let me -- 11 A. Oh, I'm sorry. 12 Q. -- finish my set of questions. After living in 13 those other places with your family, how old were you when 14 you moved back to St. Louis? 15 A. Sixteen. 16 Q. All right. What did you do when you moved back 17 to St. Louis? 18 A. Got a part-time job. 19 Q. Did you attend school? 20 A. No. 21 Q. Okay. 22 A. I joined the Army. 23 Q. All right. You never attended a school in St. 24 Louis, a high school? It was my understanding it was the 25 same one that Isaiah attended.</p>

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<p style="text-align: center;">Page 94</p> <p>1 A. Oh, yes, that was a tech school at the time. 2 Q. Okay. 3 A. Auto mechanic work. 4 Q. All right. Okay. And how long were you in the 5 tech school? 6 A. About I think the class was four weeks. 7 Q. Okay. And you completed that. 8 A. Yes. 9 Q. All right. And what did you do after you 10 completed that? 11 A. I joined the Army. 12 Q. Okay. Can you tell the jury about your Army 13 training. 14 A. Well, I went to basic -- 15 Q. Yeah. 16 A. -- at Fort Leonard Wood. 17 Q. How long was basic? 18 A. Four weeks. 19 Q. All right. 20 A. And then I went two weeks of jump training. 21 Q. Okay. 22 A. And then after that, we didn't graduate because 23 they were rushing us. Then from there, I went to -- what 24 do you call it -- recon school -- 25 Q. All right.</p>	<p style="text-align: center;">Page 96</p> <p>1 Q. Okay. On recon, how many of you would go out on 2 recon? Well, tell the jury what recon is. 3 A. Recon is a mission for you going out finding the 4 enemy. 5 Q. So you were looking for Viet Cong? 6 A. Yes, Charlie. 7 Q. I'm sorry? 8 A. Charlie. 9 Q. You called them Charlie. 10 A. Yeah. 11 Q. All right. Why was that? 12 A. 19 -- well, why? 13 Q. Yeah, why did -- I've heard the term Charlie used 14 a lot. Why was that? 15 A. I don't know. I guess it was just a nickname for 16 the Viet Cong. 17 Q. Okay. 18 A. I don't know what Charlie meant until -- 19 Q. Okay. 20 A. -- went over there. 21 Q. How many recon missions -- well, how long were 22 you in Vietnam? 23 A. Three years. 24 Q. How many recons or other missions did you go out 25 on?</p>
<p style="text-align: center;">Page 95</p> <p>1 A. -- at Fort -- no, it wasn't Fort Dix -- where the 2 marines were -- are Camp Pendleton. 3 Q. Okay. 4 A. I went to Camp Pendleton for recon. 5 Q. All right. Before that, did you say that you 6 were in paratrooper training? 7 A. Yes. 8 Q. How long did that last? 9 A. Two weeks. 10 Q. How many times did you jump out of an airplane? 11 A. Three times. 12 Q. Okay. And after recon, what did you do? 13 A. Went straight to Vietnam. 14 Q. All right. Where were you stationed in Vietnam? 15 A. We landed in Long Binh. 16 Q. Okay. 17 A. And then I was put with the 7th Cavalry, 2nd 18 Battalion, 3rd Brigade with Colonel Moore was my Colonel at 19 the time. 20 Q. The same Colonel Moore that was in the movie -- 21 A. Yes. 22 Q. -- We Were Soldiers. 23 A. Yes. 24 Q. Okay. How many men in your platoon? 25 A. I'll say about a hundred.</p>	<p style="text-align: center;">Page 97</p> <p>1 A. God, quite a bit. We went out on night patrols. 2 We'd be gone through the bush for about a week -- 3 Q. All right. 4 A. -- sometimes longer. We'll end up in fire 5 fights. 6 Q. Can you tell the jury approximately how many fire 7 fights you were involved in? 8 A. The whole three years, quite a bit. 9 Q. All right. I mean, your best estimate. Don't 10 guess, but how about in an average month -- 11 A. Oh -- 12 Q. -- during those three years? 13 A. -- the first year I went over there, oh, boy, I 14 say was -- we went out almost every month -- 15 Q. Okay. 16 A. -- for a week at a time, two weeks at a time. 17 Q. All right. 18 A. Sometimes you'd end up in fire fight, and 19 sometimes we won't. 20 Q. All right. So you're out a week to two weeks 21 every month in that first year. 22 A. Yes. 23 Q. And can you give the jury any estimate as to how 24 many fire fights? 25 A. Maybe 20.</p>

25 (Pages 94 to 97)

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<p>1 Q. Okay. Did the Vietnamese or the Viet Cong, did 2 they ever use AK-47s? 3 A. Yes. 4 Q. Exclusively? 5 A. Yes. 6 Q. And were you using .223s? 7 A. Yes. 8 Q. And what was that rifle referred to as? 9 A. Oh, that's that new, you know, the M16 version. 10 Q. All right. 11 A. But -- 12 Q. And that's what you used. 13 A. I mostly used the M60. 14 Q. Okay. 15 A. I was a machine gunner. 16 Q. I see. 17 A. And I walked point. 18 Q. Okay. Can you give the jury an estimate as to 19 how many times during your service in Vietnam you heard an 20 AK-47 fired? 21 A. God, thousands. 22 Q. Okay. And is that -- does that rifle sound 23 different than a .223? 24 A. Yes. 25 Q. Is it close or is --</p>	<p>1 Q. I'm sorry? 2 A. We were brothers. 3 Q. Any idea how many that you would consider a 4 friend that you lost? 5 A. I don't know. I tried not to make friends over 6 there because it's bad enough you getting shot at and then 7 a buddy of yours gets killed on a fire fight, you all 8 together, you know what, it gets to you. So I tried not to 9 make that many friends. I had maybe four close friends. 10 Q. That were all killed? 11 A. Yeah. 12 Q. On June 7 of 2017, did you at any time ever hear 13 an AK-47 fired? 14 MR. WHEATON: Objection -- 15 WITNESS: No. 16 MR. WHEATON: -- form and foundation. 17 Q. (By Mr. Dowd) You can answer. 18 A. No. 19 Q. If you had heard one, would you have been able to 20 identify it as an AK-47? 21 A. Yes. 22 MR. WHEATON: Same objection and it calls for 23 speculation. 24 Q. (By Mr. Dowd) You can answer. 25 A. Yes.</p>
<p style="text-align: center;">Page 99</p> <p>1 A. No, it's no -- it's like a rat-tat-tat. It's a 2 sound that you will hear -- if you were in combat in 3 Vietnam, it's a sound you will hear until the day you die. 4 Q. Okay. 5 A. You never will forget that sound. 6 Q. Because you heard it thousands of times. 7 A. Yeah. 8 Q. How many times were you wounded? 9 A. Five. 10 Q. Okay. You testified earlier upon Andrew's -- 11 A. Then I started count -- 12 Q. -- questions -- 13 A. I started counting my injuries. 14 Q. Okay. And you were actually shot five times. 15 You said you -- there was a mortar round that took -- 16 A. When a couple guys -- a guy, this Bobby to me, 17 and there was a guy in front of this guy name Bobby stepped 18 on a mine and just blew up and shrap metal all hit my 19 chest. 20 Q. All right. Killed him? 21 A. Yeah. 22 Q. Did you lose many friends in Vietnam? 23 A. Yes, I did. 24 Q. Any idea -- 25 A. We were brothers.</p>	<p style="text-align: center;">Page 101</p> <p>1 Q. Would you be able to recognize an AK-47 until the 2 day you die? 3 A. Yes. 4 MR. WHEATON: Objection -- 5 Q. (By Mr. Dowd) Why -- 6 MR. WHEATON: -- to form and foundation. 7 Q. (By Mr. Dowd) -- is that? 8 A. Because it's a certain sound that the enemy had 9 when we were in Vietnam. 10 Q. Did it have anything to do with the fact that the 11 AK-47s were shooting at you and your friends? 12 A. Yes. 13 Q. Okay. 14 A. It's just a -- I don't know. Talk to anybody who 15 been to Vietnam, they can tell you it's a sound you will 16 never forget. 17 Q. Okay. Thank you. You came back from Vietnam, 18 and what did you do? 19 A. I was in the hospital for a while. 20 Q. Okay. Why was that? 21 A. My spinal cord edgy to my back. 22 Q. You got shot in the back. 23 A. Yeah. 24 Q. And it damaged the nerves in your back. 25 A. Yeah.</p>

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<p>1 Q. Do you still have pain from that?</p> <p>2 A. Yes.</p> <p>3 Q. And you still see the doctors at the VA for that?</p> <p>4 A. Yes.</p> <p>5 Q. How long were you in the hospital when you came back?</p> <p>6 A. A couple months.</p> <p>7 Q. Okay. And then what did you do?</p> <p>8 A. Got married.</p> <p>9 Q. Okay. And who did you marry?</p> <p>10 A. My wife.</p> <p>11 Q. Her name?</p> <p>12 A. Manda --</p> <p>13 Q. Manda?</p> <p>14 A. -- West, Manda Lynn West.</p> <p>15 Q. Okay. Where did you get married?</p> <p>16 A. What's the name of that church? It was her church. It was over by -- in Wellston. It was a Catholic church.</p> <p>17 Q. Okay. And I hope I don't embarrass you, but what year did you get married?</p> <p>18 A. '70.</p> <p>19 Q. What day?</p> <p>20 A. April 24.</p> <p>21 Q. What day? I don't --</p>	<p>1 A. I'll say we've been there about 30 years so --</p> <p>2 Q. Okay.</p> <p>3 A. -- '9 -- in the '90s maybe.</p> <p>4 Q. All right. And you had children.</p> <p>5 A. Yes.</p> <p>6 Q. And how did you support your wife and kids?</p> <p>7 A. Drove a truck.</p> <p>8 Q. Okay. Who did you do that for?</p> <p>9 A. I worked for Schnucks and Tomboy at the same time.</p> <p>10 Q. All right.</p> <p>11 A. I worked for Kroger. I worked for Beelman Truck -- Dump -- it's a dump truck. And from there, I went to John J. Meyers which went out of business.</p> <p>12 Q. Okay.</p> <p>13 A. Then I went to -- from there, I got a job, worked at movie Escape From New York. I drove the equipment around. Then from there, I got -- went with Beacons.</p> <p>14 Q. Did you get to know anybody that we would recognize while you were working on that movie?</p> <p>15 A. Yes.</p> <p>16 Q. Who were those people?</p> <p>17 A. Kurt Russell, Isaac Hayes, Donald Pleasence, Adrienne Barbeau, Ernest Borgnine. Oh, I can't think of the other guy's name.</p>
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<p>1 A. It was April 24, we -- Saturday. We went -- it was beautiful when we went in.</p> <p>2 Q. All right.</p> <p>3 A. When we came out, it had two foot of snow.</p> <p>4 Q. Okay. In April. All right. And where did you live after you got married?</p> <p>5 A. In Pine Lawn in a trailer.</p> <p>6 Q. Okay. And did you have any children soon thereafter?</p> <p>7 A. No.</p> <p>8 Q. Okay.</p> <p>9 A. About a little after we moved from there to Victoria.</p> <p>10 Q. Okay. You moved to -- where is Victoria?</p> <p>11 A. In Dogtown.</p> <p>12 Q. Okay. How long did you live on Victoria?</p> <p>13 A. I don't know.</p> <p>14 Q. Some years?</p> <p>15 A. Yeah.</p> <p>16 Q. Okay. You don't -- it doesn't have to be exact. Where did you move after that?</p> <p>17 A. To South Kingshighway.</p> <p>18 Q. Okay. 5414?</p> <p>19 A. Yeah.</p> <p>20 Q. And that was what year approximately?</p>	<p>1 Q. Okay. And did you get pictures taken with those folks?</p> <p>2 A. Yes.</p> <p>3 Q. All right. Did Isaiah get pictures taken with -- no, I'm sorry. Did you become friends with Jack Buck at some point?</p> <p>4 A. Yes.</p> <p>5 Q. And how did that come about?</p> <p>6 A. Oh, he's been involved with the Wheelchair Games at Jefferson Barracks for years. He was a sponsor.</p> <p>7 Q. All right. And you used to go to those and --</p> <p>8 A. Wheelchair Games --</p> <p>9 Q. -- compete.</p> <p>10 A. -- yes.</p> <p>11 Q. All right. And what sports did you compete in?</p> <p>12 A. Javelin, weightlifting, basketball. There's a thing that's called going up steps where you go up steps with the wheelchair and open the door and come back down steps.</p> <p>13 Q. Without a ramp.</p> <p>14 A. Yeah.</p> <p>15 Q. Okay.</p> <p>16 A. Cast -- fish casting with a fishing pole.</p> <p>17 Q. Okay. All right. And you competed in all those events.</p>

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<p>1 A. Yes. 2 Q. Did Isaiah ever go to any of those with you? 3 A. Yes. 4 Q. And what else did he go to with you? 5 A. The handicap hunts in Mark Twain. 6 Q. And how old was Isaiah when he got his first 7 deer? 8 A. Eight years old. 9 Q. And were you with him that day? 10 A. Yes. 11 Q. Okay. Before I forget, did you receive any 12 medals or citations for your service in Vietnam? 13 A. Yes. 14 Q. Can you tell the jury what those were? 15 A. Total 15 -- 16 Q. Okay. 17 A. -- counting unit citations, three purple hearts, 18 a bronze star, a bronze star with a cloverleaf. Then you 19 got your Vietnam medals. You got your good conduct medal. 20 You got your infantry badge. 21 Q. That's okay. And you still have all those -- 22 A. Yes. 23 Q. -- those medals? How -- 24 A. Almost didn't. 25 Q. After June, the shooting at your home at 5414</p>	<p>1 Q. -- the wheelchair access ramp. 2 A. Yeah. 3 Q. Where -- did the officer -- you say he told you 4 to go over here. 5 A. Yeah. 6 Q. Where did he tell you to go? 7 A. Get over by my ramp -- 8 Q. Okay. 9 A. -- that goes up and down. 10 Q. I see. So the lift, not the ramp. 11 A. The lift. 12 Q. Okay. The ramp comes from the front door -- 13 A. Yeah. 14 Q. -- and then -- 15 A. And I got a lift. 16 Q. -- there's the lift at the end of it. 17 A. Yeah. 18 Q. So he had you go to that location. 19 A. Yes. 20 Q. The end of your porch. 21 A. Yes. 22 Q. What happened then? 23 A. I was getting my phone out to call his mother, 24 and this -- 25 Q. To call Isaiah's mother?</p>
<p style="text-align: center;">Page 107</p> <p>1 South Kingshighway, did anything happen with all of those 2 medals? 3 A. Yes. 4 Q. What happened? 5 A. They were found in the trash can and dumpster. 6 Q. Okay. Where had they been taken from? 7 A. My house on my wall. 8 Q. They were taken off the walls? 9 A. Yes. 10 Q. And thrown in a dumpster? 11 A. Yes, with my Vietnam hats and everything. All my 12 Vietnam stuff was put in the dumpster. 13 Q. All right. You've already testified that after 14 you were told to come out of the house with your hands up, 15 you did so. 16 A. Yeah. 17 Q. What did you do when you came out of the house? 18 A. I -- there was an African American guy, big 19 police officer told me to go over here (indication), which 20 I did. I was getting my phone. 21 Q. Where was there when you say told me to go over 22 "here"? 23 A. That I was at the front door coming out. 24 Q. Okay. And you had the ramp -- 25 A. Yeah.</p>	<p style="text-align: center;">Page 109</p> <p>1 A. Yeah. And then I had my teeth and phone in the 2 hand. I was going to put my teeth in. And he knocked it 3 out of my hand. And he stepped on my phone and my teeth 4 and broke them. 5 Q. Okay. 6 A. He says, "I told you not to call." 7 Q. All right. Had he told you not to call? 8 A. Yes, but I was calling anyway. 9 Q. I see. Okay. Did he tell you why you shouldn't 10 call? 11 A. No. 12 Q. After that incident, where did you -- were you 13 taken somewhere -- 14 A. No. 15 Q. -- by the police? 16 A. They just -- me, I told them I needed the leash 17 for my dogs. They went, got me my leashes for my two dogs. 18 We went down to the sidewalk and we went down around the 19 corner. 20 Q. So they went in and got the dogs and put leashes 21 on them or -- 22 A. No, they brought out the leashes to me. 23 Q. So the dogs were with you -- 24 A. Yeah. 25 Q. -- the whole time when you came out.</p>

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<p>1 A. Yeah.</p> <p>2 Q. All right. Then they brought the leashes out and</p> <p>3 you put them on the dogs.</p> <p>4 A. Yeah.</p> <p>5 Q. And then what did -- what happened?</p> <p>6 A. Then went down the ramp -- I meant, the lift and</p> <p>7 just went on the sidewalk down to a corner.</p> <p>8 Q. All right. Down the street from the home.</p> <p>9 A. Yeah.</p> <p>10 Q. And what happened down there?</p> <p>11 A. Nothing, just sitting out there waiting. Then</p> <p>12 Channel 4 news came --</p> <p>13 Q. Okay.</p> <p>14 A. -- and I told --</p> <p>15 Q. How long were you sitting out there?</p> <p>16 A. Gosh, total all the whole thing about six hours.</p> <p>17 Q. All right. You weren't allowed back in the home</p> <p>18 --</p> <p>19 A. No.</p> <p>20 Q. -- for six hours.</p> <p>21 A. No. I told them I was getting sick.</p> <p>22 Q. All right. And why were you getting sick?</p> <p>23 A. I need my medicine.</p> <p>24 Q. What kind of medicine?</p> <p>25 A. My puffers and my --</p>	<p>1 A. I don't know.</p> <p>2 Q. Because you couldn't see the house --</p> <p>3 A. No.</p> <p>4 Q. -- from where they had taken you?</p> <p>5 A. No. All's I know, SWAT went in while I was on</p> <p>6 the porch. SWAT came out while I was on the porch.</p> <p>7 Q. I see. All right. Did you hear any of them say</p> <p>8 anything?</p> <p>9 A. No, just that heavyset guy saying, "Good job."</p> <p>10 Q. Okay. So you're up the street where you can't</p> <p>11 see your home.</p> <p>12 A. Right.</p> <p>13 Q. Who's there with you?</p> <p>14 A. My -- I just with a bunch of friends I guess of</p> <p>15 Isaiah's and my daughter.</p> <p>16 Q. Okay. Any police officers?</p> <p>17 A. No.</p> <p>18 Q. They just told you to wait down there.</p> <p>19 A. Yeah.</p> <p>20 Q. Did they allow anyone to approach the house?</p> <p>21 A. No.</p> <p>22 Q. So you weren't able to see whether or not they</p> <p>23 were taking things in or out of the house.</p> <p>24 A. No. I just heard --</p> <p>25 Q. Okay.</p>
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<p>1 Q. What is a puffer?</p> <p>2 A. Yeah, and my --</p> <p>3 Q. What is it?</p> <p>4 A. It's a -- when you have trouble breathing, you --</p> <p>5 Q. I see, to unrestrict your bronchiole tubes.</p> <p>6 A. Yeah.</p> <p>7 Q. Okay.</p> <p>8 A. And my insulin.</p> <p>9 Q. All right. And did they --</p> <p>10 A. And my pain pill.</p> <p>11 Q. Did you tell them where they were?</p> <p>12 A. Yes.</p> <p>13 Q. And did they get them for you?</p> <p>14 A. Not at first.</p> <p>15 Q. How long?</p> <p>16 A. It took them about -- I didn't get it until about</p> <p>17 maybe two hours after.</p> <p>18 Q. Okay.</p> <p>19 A. I meant, six hours was outside, but it took them,</p> <p>20 like, couple hours to get me my stuff.</p> <p>21 Q. All right. Was there anything stopping them from</p> <p>22 getting that for you?</p> <p>23 A. Not that I know of.</p> <p>24 Q. All right. Were there officers in the house</p> <p>25 during all the hours?</p>	<p>1 A. -- somebody saying they're taking my guns out,</p> <p>2 that's all.</p> <p>3 Q. And did they remove the 16 guns you testified --</p> <p>4 A. Yes.</p> <p>5 Q. -- were at the home?</p> <p>6 A. Yes.</p> <p>7 Q. Have you ever gotten any of those back?</p> <p>8 A. I don't know how -- if -- I don't know, I'm</p> <p>9 hearing different stories. I'm hearing you got to wait</p> <p>10 until after the trial's all over with.</p> <p>11 Q. So the answer's, no --</p> <p>12 A. No --</p> <p>13 Q. -- you never got --</p> <p>14 A. -- because --</p> <p>15 Q. -- them back.</p> <p>16 A. No, because I've been hoping I could get them</p> <p>17 back bec --</p> <p>18 Q. That's okay.</p> <p>19 A. -- so I could go hunting.</p> <p>20 Q. That's all right.</p> <p>21 VIDEOGRAPHER: Excuse me, Counsel, I really hate</p> <p>22 to interrupt but we may need to --</p> <p>23 MR. DOWD: This is a good time.</p> <p>24 VIDEOGRAPHER: -- change the media. Thank you,</p> <p>25 sir.</p>

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<p style="text-align: center;">Page 114</p> <p>1 MR. DOWD: Thank you. 2 VIDEOGRAPHER: At 12:58 p.m., we are going off 3 the record. 4 (Brief recess.) 5 VIDEOGRAPHER: At 1:13 p.m., we are back on the 6 record at the deposition of Dennis Torres. 7 Q. (By Mr. Dowd) Dennis, was it Gateway High School 8 that you got your technical training? 9 A. Been so long. 10 Q. If it -- 11 A. I think -- 12 Q. -- had a different name? 13 A. Yeah, that had -- that school had, like, three 14 different names. 15 Q. Okay. All right. 16 A. And when I went to it, it was O'Fallon Tech. 17 Q. Got you. Okay. Very good. Now, we were 18 discussing the fact that you were taken out down the street 19 so you couldn't see your home. I'd just like to go over 20 what -- when this actually happened, what was the first 21 thing you heard? 22 A. Shots fired. 23 Q. Okay. 24 A. A lot of them. 25 Q. Okay. What was the next thing that happened as</p>	<p style="text-align: center;">Page 116</p> <p>1 Q. All right. 2 A. And he held his -- 3 Q. Did he have anything in his hands? 4 A. No. 5 Q. All right. 6 A. He held up his -- 7 Q. Now, wait, let me ask you this: With regard to 8 that -- the discussion about your eyesight, if he had had 9 something in your hand -- in his hands the size of an 10 AK-47, would you have been able to see it? 11 A. Yeah. 12 MR. WHEATON: Objection, form foundation -- 13 Q. (By Mr. Dowd) Okay. 14 MR. WHEATON: -- and calls for speculation. 15 Q. (By Mr. Dowd) Tell me, Dennis, how many fingers 16 do I have up? 17 A. Three. 18 Q. Okay. 19 A. Two. 20 Q. Okay. So this issue about being legally blind, 21 you can still drive. 22 A. Yes. 23 Q. You passed the vision test for your driver's 24 license. 25 A. Yes.</p>
<p style="text-align: center;">Page 115</p> <p>1 far as you know? 2 A. Me being put on the floor. 3 Q. Okay. Well, how did that come about? What was 4 the next thing you saw after you heard the shots fired and 5 you awoke? 6 A. Oh, after Isaiah was shot, you mean, and 7 everything -- 8 Q. No. 9 A. -- or before? 10 Q. You woke up to shots being fired. 11 A. Oh, yes, okay, shots. 12 Q. What's exactly the next thing that happened? 13 A. Isaiah came out of his room -- 14 Q. Okay. 15 A. -- to me, picked me up, put me on the floor. 16 Q. Was the door to his bedroom, the back door to his 17 bedroom, was that open? 18 A. Yes. 19 Q. What happened after he came in and put you on the 20 floor? 21 A. I asked him, "Who's shooting?" He goes, "I don't 22 know, Grandpa. Stay down. I love you." Then he went to 23 the dining room. 24 Q. Okay. 25 A. I could see him then, he go in the dining room.</p>	<p style="text-align: center;">Page 117</p> <p>1 Q. Okay. We're at the point where he comes in, puts 2 you down, says, "I love you, Grandpa," and you see him go 3 into -- 4 A. My -- the dining room. 5 Q. The dining room. All right. Now, I'm going to 6 show you what the City marked Exhibit C and ask you if 7 where that television is sitting in that picture -- 8 A. Yes. 9 Q. -- do you know when that picture was taken? 10 A. After they went -- I have a closet over here 11 where my -- 12 Q. No, no, wait, wait, I'm asking you, when was that 13 picture taken, if you know? 14 A. After everything when I was outside. 15 Q. While you was outside and the police were in your 16 house -- 17 A. Yes. 18 Q. -- for six hours. 19 A. Yes. 20 Q. Okay. It indicates that there's a television in 21 that picture, correct? 22 A. Yes. 23 Q. Is that where that television set was when you 24 left your bedroom? 25 A. No.</p>

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<p>1 Q. Would you have been able to get through the 2 television -- by the television set with your bed right 3 there --</p> <p>4 A. No.</p> <p>5 Q. -- in your wheelchair?</p> <p>6 A. No, not -- not like that.</p> <p>7 Q. You had plenty of room to get out with your 8 wheelchair.</p> <p>9 A. Yes.</p> <p>10 Q. So that TV had been moved before this picture was 11 taken.</p> <p>12 A. Yes.</p> <p>13 Q. You said Isaiah said these things to you and 14 walked towards the dining room. Were you able to see him?</p> <p>15 A. Yes.</p> <p>16 Q. And how far did he get into the dining room while 17 you could still see him?</p> <p>18 A. About 1, 2, 3, 4 -- about 12 feet maybe.</p> <p>19 Q. Okay. And so you couldn't see him anymore?</p> <p>20 A. Yeah, I could see him.</p> <p>21 Q. Okay.</p> <p>22 A. I see his right side -- his left side.</p> <p>23 Q. Okay. Just his left side?</p> <p>24 A. Yeah.</p> <p>25 Q. All right. And did you hear any more shots at</p>	<p>1 Q. Okay.</p> <p>2 A. -- right behind, you know --</p> <p>3 Q. All right.</p> <p>4 A. -- my head.</p> <p>5 Q. And the holes are still there.</p> <p>6 A. Yeah, the holes are still there, yeah.</p> <p>7 Q. Yeah.</p> <p>8 A. And then I got back down on the floor.</p> <p>9 Q. When the shots went by your head.</p> <p>10 A. Yes. Then I got back on the floor. Then I heard 11 more shots.</p> <p>12 Q. After you had seen Isaiah on the ground?</p> <p>13 A. Yes, I heard more shots.</p> <p>14 Q. How many shots?</p> <p>15 A. A lot. I thought they were shooting at me.</p> <p>16 Q. Okay. But there weren't any bullets coming in 17 your room.</p> <p>18 A. No, there was only those two but I just thought 19 --</p> <p>20 Q. Right.</p> <p>21 A. -- they were meant for me --</p> <p>22 Q. Okay.</p> <p>23 A. -- because Isaiah is already down on the floor.</p> <p>24 Why would you keep shooting?</p> <p>25 Q. Yeah. So what did you do?</p>
<p style="text-align: center;">Page 119</p> <p>1 that time?</p> <p>2 A. After I heard Isaiah say, "Please don't shoot."</p> <p>3 Q. Okay. And did you see Isaiah fall down?</p> <p>4 A. No. I heard a thump.</p> <p>5 Q. Okay. So he fell out of your view.</p> <p>6 A. Yeah -- well, no, when he fell, his -- he was 7 against the table here and I could see right through the 8 dining room and I could see his head.</p> <p>9 Q. Once he had fallen.</p> <p>10 A. Yeah.</p> <p>11 Q. Okay. You could see his head on the floor.</p> <p>12 A. Yes.</p> <p>13 Q. What happened next?</p> <p>14 A. Then I could see somebody in the dining room in 15 black.</p> <p>16 Q. Okay.</p> <p>17 A. Okay. Then I was trying to get up. After all 18 that, I was trying to get up in my bed -- my chair and I 19 yelled for Isaiah, I go, "Isaiah." Two more shots went -- 20 went off right by my head.</p> <p>21 Q. Okay.</p> <p>22 A. If I would have been -- got up any sooner, I 23 would have got hit in the head.</p> <p>24 Q. Did you see where those bullets ended up?</p> <p>25 A. In the wall --</p>	<p style="text-align: center;">Page 121</p> <p>1 A. I stayed down until I heard nothing.</p> <p>2 Q. Did you make any phone calls?</p> <p>3 A. I called 911.</p> <p>4 Q. All right.</p> <p>5 A. Said, "Someone's shooting up my house."</p> <p>6 Q. Correct. And then --</p> <p>7 A. And they asked me if I know who, and I go, "No, I 8 do not know."</p> <p>9 Q. All right.</p> <p>10 A. So everything stopped. I got back up in my -- I 11 crawled up into the wheelchair. I went to the dining room. 12 Isaiah's head was right here laying like this with his 13 mouth kind of open and blood was behind his head.</p> <p>14 Q. Did he appear to be deceased?</p> <p>15 A. Yes.</p> <p>16 Q. All right.</p> <p>17 A. His feet was facing that way the one -- the wall.</p> <p>18 Q. All right.</p> <p>19 A. His head was towards this way, towards the 20 doorway.</p> <p>21 Q. Uh-huh, like he is in that photograph.</p> <p>22 A. Yes.</p> <p>23 Q. Was there any gun next to him?</p> <p>24 A. No --</p> <p style="text-align: right;">MR. WHEATON: Objection --</p>

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<p style="text-align: center;">Page 122</p> <p>1 WITNESS: -- there was not. 2 MR. WHEATON: -- form and foundation. 3 WITNESS: And then -- 4 Q. (By Mr. Dowd) Were you -- would you have been 5 able to see it if it -- 6 A. Oh, yeah -- 7 Q. -- was there, like -- 8 MR. WHEATON: Same objection. 9 WITNESS: -- yeah, I would have been able to see 10 the gun. 11 MR. WHEATON: Same objection and it calls for 12 speculation. 13 WITNESS: And then I went towards the living 14 room. 15 Q. (By Mr. Dowd) Okay. 16 A. I heard somebody says, "Come out with your hands 17 up," so I went outside with my two dogs, went outside. 18 Q. They were just walking alongside you? 19 A. Yes. 20 Q. All right. 21 A. And went outside and he told me to go down there. 22 Q. And that's what you've already described -- 23 A. Yes. 24 Q. -- on the end of the porch by the lift. 25 A. Yes.</p>	<p style="text-align: center;">Page 124</p> <p>1 A. Because I heard someone got shot, but no one told 2 me who. 3 Q. Was Isaiah ever in the Boy Scouts? 4 A. Yes. 5 Q. Do you know how long? 6 A. Oh, no, no, not really. 7 Q. Or what rank he attained? 8 A. He got some -- a couple, I don't know, about four 9 merit badges. 10 Q. Okay. All right. Did you go to those activities 11 with him? 12 A. Oh, I went to one that I could go to. 13 Q. Okay. 14 A. A lot of times, I -- he went to -- I was driving 15 over the rode or something like that. 16 Q. I see. You've already described your career 17 driving trucks for all these different companies. Did you 18 do anything else while you were raising your family? 19 A. No. 20 Q. Okay. How long did you drive? 21 A. About 20 something years -- 22 Q. All right. 23 A. -- from 19 -- well, when I got out of the 24 hospital in the '70 all the way up to '98 maybe. 25 Q. So you were employed throughout the raising of</p>
<p style="text-align: center;">Page 123</p> <p>1 Q. All right. 2 A. I want to bring a statement back, if I could. 3 Q. What's that? 4 A. I did see -- Isaiah did show me that gun. 5 Q. The AK-47? 6 A. AK-47 when he bought it. 7 Q. Okay. All right. 8 A. I did see that. 9 Q. Yeah. 10 A. I wasn't thinking about it at the time. 11 Q. That's fine. With regard to your understanding 12 about the shooting that happened a week or two before, did 13 you ever talk to Isaiah about that? 14 A. I was really concerned about it when Gina told 15 me. 16 Q. Yeah. 17 A. But Isaiah has this temper, he's like Gina, leave 18 him -- quit bothering him, leave him alone, quit talking 19 about it. I was afraid to talk to him about it because I 20 know it might end up in an argument. He would take it the 21 wrong way. 22 Q. Uh-huh. 23 A. But I was really concerned about it because I -- 24 was he okay. 25 Q. Okay.</p>	<p style="text-align: center;">Page 125</p> <p>1 your family. 2 A. Huh? 3 Q. You were employed throughout -- 4 A. Yeah. 5 Q. -- the raising of your family? 6 A. Yes. 7 Q. And you were never unemployed? 8 A. Yes. 9 Q. Okay. 10 A. I never drawn unemployment. I never drew 11 workmen's comp. I never drawn sick pay or nothing. 12 Q. Okay. And you said you lived in Jennings for 13 about 10 years. 14 A. Yes, off and on. Then I joined a carnival. 15 Q. Are you aware of where Isaiah attended school 16 growing up? 17 A. He was going to -- what's the name of that 18 school? 19 Q. His grade school? 20 A. Yeah, Gateway. 21 Q. Okay. That would have been his high school. 22 A. Okay. Gateway. I forgot the name of that school 23 he went to. 24 Q. The grade school? 25 A. Yeah, because I think Bobby and Angelo is going</p>

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<p>1 there now.</p> <p>2 Q. Okay.</p> <p>3 MR. DOWD: Can we take a short break.</p> <p>4 VIDEOGRAPHER: At 1 -- what is turning 1:25 p.m.,</p> <p>5 we're going off the record.</p> <p>6 (Brief recess.)</p> <p>7 VIDEOGRAPHER: At 1:33 p.m., we are back on the</p> <p>8 record.</p> <p>9 Q. (By Mr. Dowd) Dennis, you've described the scene</p> <p>10 that day from when you were awoken by the shots and you</p> <p>11 went through. Is there anything else that we haven't</p> <p>12 covered with regard to the shooting of Isaiah?</p> <p>13 A. I don't know.</p> <p>14 Q. If you think we got it?</p> <p>15 A. Yeah, I'm pretty sure it's seeing him in the</p> <p>16 dining room.</p> <p>17 Q. Okay.</p> <p>18 A. And they were gone when I -- after everything</p> <p>19 stopped, there was more shots fired after Isaiah was down</p> <p>20 on the ground.</p> <p>21 Q. Okay. Now, with regard to your next-door</p> <p>22 neighbor, you told me at one point when Andrew was asking</p> <p>23 you questions, you said something to the effect that "We've</p> <p>24 had trouble for years."</p> <p>25 A. Yes.</p>	<p>1 A. Yes.</p> <p>2 Q. And is she a St. Louis Metropolitan police</p> <p>3 officer?</p> <p>4 A. I think so, yes.</p> <p>5 Q. And what about her husband?</p> <p>6 A. Yes, he is.</p> <p>7 Q. And do you know his last name?</p> <p>8 A. No.</p> <p>9 Q. And did -- do you know if he -- she took his last</p> <p>10 name when they got married?</p> <p>11 A. I don't know.</p> <p>12 Q. Okay. Where did they live?</p> <p>13 A. Right up the street.</p> <p>14 Q. All right.</p> <p>15 A. See, north -- south of me --</p> <p>16 Q. How did --</p> <p>17 A. -- about four blocks, I guess.</p> <p>18 Q. How did you know that?</p> <p>19 A. His mother, Ruth, used to go up there on -- for</p> <p>20 diff -- for holidays and --</p> <p>21 Q. So this would be Amanda's grandmother.</p> <p>22 A. Yeah.</p> <p>23 Q. And were you friendly with the Eckenrods?</p> <p>24 A. Yes.</p> <p>25 Q. And I think you said you took care of them.</p>
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<p>1 Q. Did that have anything to do with Mr. Eckenrod?</p> <p>2 A. Yes.</p> <p>3 Q. And where did he live?</p> <p>4 A. He used to live on Bates.</p> <p>5 Q. Okay. But where does he live now?</p> <p>6 A. Next door to me.</p> <p>7 Q. Okay. He grew up next door to you?</p> <p>8 A. Huh?</p> <p>9 Q. Did his parents live in that --</p> <p>10 A. Yeah.</p> <p>11 Q. -- home?</p> <p>12 A. Yes.</p> <p>13 Q. When they were --</p> <p>14 A. I took care of his mother --</p> <p>15 Q. Okay. And they --</p> <p>16 A. -- and father.</p> <p>17 Q. -- they were living there --</p> <p>18 A. Yes.</p> <p>19 Q. -- until they passed?</p> <p>20 A. Yes.</p> <p>21 Q. And then Charles moved into your home --</p> <p>22 A. Yes.</p> <p>23 Q. -- into the home next door.</p> <p>24 A. Yes.</p> <p>25 Q. And is he -- he has a daughter, Amanda.</p>	<p>1 A. Yes.</p> <p>2 Q. What did you do for them?</p> <p>3 A. I took Charles's mother, Ruth, and his dad to</p> <p>4 doctors. We went to -- I took them to -- oh, what's that</p> <p>5 place? It had a smorgasbord.</p> <p>6 Q. That's okay.</p> <p>7 A. And I took --</p> <p>8 Q. But you took them out to eat.</p> <p>9 A. -- them to eat and doctors. And I took her to</p> <p>10 the store.</p> <p>11 Q. Okay. How many years did you do that?</p> <p>12 A. I don't know, about 10.</p> <p>13 Q. Okay.</p> <p>14 A. Cut their grass.</p> <p>15 Q. Did you ever have any problems with their son,</p> <p>16 Charles Eckenrod?</p> <p>17 A. Yes.</p> <p>18 Q. And when did that start?</p> <p>19 A. After --</p> <p>20 Q. Is that these years that you're talking about --</p> <p>21 A. Yes.</p> <p>22 Q. -- we had trouble for years?</p> <p>23 A. Yes.</p> <p>24 Q. And did you ever have trouble with his daughter</p> <p>25 or son-in-law who were --</p>

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<p>1 A. No. 2 Q. -- St. Louis police officers? 3 A. No. 4 Q. You didn't? 5 A. No, I didn't. 6 Q. Did you ev -- 7 A. I didn't know them. 8 Q. Okay. Did you ever have trouble with any St. 9 Louis police officers before -- 10 A. No. 11 Q. -- June 7, 2017? 12 A. No. 13 Q. You did not? 14 A. No. 15 Q. Were there other St. Louis police officers that 16 live in your neighborhood that you're aware of, I mean, in 17 the surrounding block -- 18 A. I don't know. 19 Q. -- like on -- 20 A. I don't know, Richard. It's -- 21 Q. -- on Rosa? 22 A. My daughter knows. 23 Q. That's okay. 24 A. I don't. 25 Q. That's okay. Did Isaiah become friends with Jack</p>	<p>1 A. At the wheelchair games. 2 Q. Got you. 3 A. He'd go with Jack Buck and hand out gifts to the 4 people that are in beds that can't make it outside. 5 Q. Okay. He'd go with Jack Buck -- 6 A. Yeah. 7 Q. -- to do that. You hunted with your grandfather. 8 A. Yes. 9 Q. And Isaiah hunted with you. 10 A. Yes. 11 Q. Your grandfather gave you guns. 12 A. Yes. 13 Q. And you gave Isaiah guns. 14 A. Yeah. I figured that's a tra -- what do you call 15 a tradition or something? 16 Q. Yeah. 17 A. First born, first boy. 18 Q. Okay. 19 A. Well, he was the first boy. 20 Q. Got you, your first grandson. 21 A. And I was first boy. 22 Q. Okay. Do you miss Isaiah? 23 A. Every day, every day, every minute. 24 Q. Okay. And with regard to the return of the 25 Post-Traumatic Stress Disorder that you testified to, is it</p>
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<p>1 Buck? 2 A. Yes. 3 Q. And do you have a picture of the two of them 4 together or is that you and Jack Buck? 5 A. That's me and Jack Buck. 6 Q. Okay. 7 A. I know there is a picture. I took a picture but 8 I have to find it. 9 Q. Okay. Did Jack Buck ever give him anything? 10 A. Huh? 11 Q. Did Jack Buck ever give Isaiah anything? 12 A. Yes. 13 Q. And what was it? 14 A. He used to give gifts, baseball -- 15 Q. Autographed -- 16 A. Autographed -- 17 Q. -- baseball? 18 A. Yes. 19 Q. All right. 20 A. Him and everybody there thought the world of 21 Isaiah. 22 Q. Say it again. 23 A. Him and everybody there thought the world of 24 Isaiah. 25 Q. Everybody where?</p>	<p>1 of equal severity as when you first came home from Vietnam? 2 A. I guess it would be. I -- 3 Q. Hard to say? 4 A. Yeah. 5 Q. Okay. When you first got back from Vietnam, did 6 you have trouble sleeping? 7 A. Yes. 8 Q. And -- but over the next 10, 12, 15 years, that 9 subsided? 10 A. Yes. 11 Q. And how many hours were you sleeping at night 12 once you got to that point? 13 A. About three hours. 14 Q. I'm talking about once you got over the Post -- 15 A. Oh, about -- 16 Q. -- Traumatic Stress Disorder -- 17 A. -- about -- 18 Q. -- and before this shooting -- 19 A. -- six hours. 20 Q. Before this shooting? 21 A. Six hours. 22 Q. Okay. 23 A. Because I had to get up different times to go to 24 work. 25 Q. I see. All right.</p>

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<p style="text-align: center;">Page 134</p> <p>1 A. So I never got the same amount of hours sleep. 2 Q. Okay. Are you also a mechanic of some kind? 3 A. Yes. 4 Q. What kind of a mechanic? 5 A. I work on cars. I could do work on cars -- 6 Q. Did you ever -- 7 A. -- weld. 8 Q. Did you ever work for a mechanic shop? 9 A. Yes, a friend of mine owned one. 10 Q. And where was that? 11 A. On -- up on The Hill. 12 Q. Okay. 13 A. Not The Hill, Dogtown. 14 Q. I see. What was his name? 15 A. Herndon. 16 Q. Okay. 17 A. Buford Herndon Automotive. 18 Q. Got you. And how long did you work there? 19 A. I'd known him for, like -- 20 Q. Forever? 21 A. Yeah, I mean, he -- 22 Q. But how long did you work in his mechanic shop? 23 A. I'll say total maybe two years total of off and 24 on. 25 Q. Got you.</p>	<p style="text-align: center;">Page 136</p> <p>1 A. No, not that I know of. 2 Q. Did you wear any earplugs typically while you 3 were firing -- 4 A. Yes. 5 Q. -- machine guns in the war? Okay. Did you 6 always do that? 7 A. Yes. 8 Q. Did you take any pictures at all of your house or 9 the scene after this happened? 10 A. No. 11 Q. Now, are you aware that a bystander outside 12 recorded this shooting using their cell phone and recorded 13 a video while this incident was occurring? Did you know 14 that? 15 A. No. 16 Q. Have you ever heard that recording? 17 A. No. 18 Q. All right. Now, I'll just represent to you that 19 on the recording, there's a series of shots fired and then 20 there's a lull -- 21 A. Uh-huh. 22 Q. -- without shots for quite a bit of time -- 23 MR. DOWD: I'll object. 24 Q. (By Mr. Wheaton) -- and then there's more shots. 25 MR. DOWD: I object, vague.</p>
<p style="text-align: center;">Page 135</p> <p>1 A. I helped him do things when he was -- he asked if 2 I could give him a hand. 3 Q. And this was while you were also driving trucks. 4 A. Yes. 5 Q. Okay. 6 A. Oh, I forgot to say Jay's Truck Driving. I 7 taught people how to drive tractor and trailers. 8 Q. Okay. How long did you do that? 9 A. A couple years. 10 Q. All right. Okay. That is all I have for right 11 now, Dennis. 12 A. All right. 13 Q. Thank you. 14 A. You're welcome.</p> <p style="text-align: center;">REDIRECT EXAMINATION</p> <p>15 BY MR. WHEATON:</p> <p>17 Q. I have some follow-up questions, Mr. Torres. 18 A. All right. 19 Q. You testified that when you were in the war, you 20 were a machine gunner, right? 21 A. Huh? 22 Q. When you were in the war, you were a machine 23 gunner? 24 A. Yeah. 25 Q. And did that damage your hearing at all?</p>	<p style="text-align: center;">Page 137</p> <p>1 Q. (By Mr. Wheaton) Okay? 2 A. Uh-huh. 3 Q. Is that consistent with your memory that there 4 were shots fired and then there was a lull? 5 A. No. 6 Q. And then there were more shots fired? 7 A. No. 8 Q. After you first heard the shots fired -- and I 9 want to ask you some questions about the timing of how this 10 all occurred. Okay? After you first heard shots fired, 11 then Isaiah came into your room. 12 A. Right. 13 Q. Then Isaiah left your room and you called 911; is 14 that -- 15 A. Yes. 16 Q. -- right? Is that accurate? 17 A. Yes. 18 Q. How long were you on the phone with 911? 19 A. Can't say. 20 Q. Can you give me any -- 21 A. Can't remem -- no, I can't remember. 22 Q. All right. After you got off the phone with 911, 23 what happened next? 24 A. Isaiah went into the dining room. 25 Q. Okay. Hold on. I want to make sure we got this</p>

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<p style="text-align: right;">Page 138</p> <p>1 clear. You heard shots fired. Then Isaiah came into your 2 room. 3 A. Right. 4 Q. And then he left your room. 5 A. Yes. 6 Q. And then you called 911. 7 A. Yes. 8 Q. Is that accurate? 9 A. Yes -- 10 Q. Okay. 11 A. -- because I heard more shots. 12 Q. Okay. After you got off the phone with 911, did 13 you then see Isaiah go into the dining room? 14 MR. DOWD: I object. It misstates what he -- 15 Q. (By Mr. Wheaton) Is that what you said? 16 MR. DOWD: -- just testified to. 17 WITNESS: No, no. 18 Q. (By Mr. Wheaton) I just asked you when you got 19 off the phone with 911, what happened next? And you said 20 Isaiah went into the dining room; is that right? 21 A. I can't remember, sir. All's I know, I wasn't on 22 the phone that long. Isaiah did just -- want me? 23 He went into the dining room. Shots were fired. 24 I heard a thump. He fell. I seen people in the dining 25 room in black. I could see them. I stopped. Trying to</p>	<p style="text-align: right;">Page 140</p> <p>1 down on the floor. I stayed there. More shots were fired. 2 I figured it's coming from the same people in the dining 3 room. 4 I just didn't -- I just tried to barricade myself 5 from getting killed because I don't know why they kept on 6 shooting when my grandson was down. 7 Q. All right. Let me ask you this: Did you keep 8 your head down at all times as shots were being fired 9 during the second round of shots? 10 A. Yes. 11 Q. All right. 12 A. But I -- I said -- I told you -- 13 MR. DOWD: Just answer his questions. Don't -- 14 WITNESS: Yes. 15 MR. DOWD: -- argue with him. It's been asked 16 and answered several times. Objection. 17 Q. (By Mr. Wheaton) And while your head was down 18 again, you could not see anything because your head was 19 down, right? 20 A. Yes. 21 Q. All right. As you were on the ground -- and I 22 want to get a little -- strike that. Just after Isaiah put 23 you on the ground, from the position that you were in on 24 the floor, could you see the doorway into Isaiah's bedroom 25 at all or not?</p>
<p style="text-align: right;">Page 139</p> <p>1 get up in my wheelchair. I yelled for Isaiah. Boom, boom, 2 two more shots right by my head. 3 I felt it. I went back down to the ground. Then 4 after that, I heard more shots and I thought they was 5 shooting at me. 6 Q. And when you thought they were shooting at you, 7 what did you do? 8 A. Stayed down on the ground -- 9 Q. Did you keep -- 10 A. -- until everything stopped. 11 Q. Did you keep your head down? 12 A. Yes. 13 Q. All right. So while your head was down, you 14 could not see anything because your head was down, right? 15 A. I wasn't -- I wasn't looking to see about -- I 16 was just trying to figure out why were they shooting at me. 17 Q. So did you -- I just want to make sure the 18 record's clear, but you said you were not looking. Is that 19 what you just said? 20 A. When I seen Isaiah fall, I seen people in the 21 dining room. Okay? Then I yell. I seen -- I heard a 22 thump. I could see Isaiah laying down. I could see his 23 head. 24 Then I was trying to get up in my wheelchair. I 25 yelled for Isaiah. Two more shots were fired, got back</p>	<p style="text-align: right;">Page 141</p> <p>1 A. Yes. 2 Q. Okay. 3 A. I could see the door and I could see the dining 4 room, going into the dining room. 5 Q. All right. 6 A. I could see the corner of his door, not the whole 7 door but the corner. 8 Q. All right. Was your head -- and I'm sorry if we 9 covered this but I just want to understand. 10 A. All right. 11 Q. The position of your head as you were laying on 12 the ground, it was right next to that gray box we saw in 13 the picture of your bed. Is that accurate? 14 A. No. My head was up by the wheel. 15 Q. The wheel of the bed? 16 A. Yes. 17 Q. And from your position with your head by the 18 wheel of the bed, what was your view, if any view, of the 19 -- 20 A. Dining room. 21 Q. -- inside? Dining room. 22 A. And part of the front room. 23 Q. And part of the front room. What about was that 24 it? I mean, could you see into Isaiah's bedroom at all -- 25 A. I wasn't --</p>

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<p>1 Q. -- the position that you were in?</p> <p>2 A. -- looking at Isaiah's bedroom.</p> <p>3 Q. You were not looking at Isaiah's bedroom.</p> <p>4 A. I was more concerned about what's going on in the dining room.</p> <p>6 Q. I just want to make sure we have a clear record.</p> <p>7 It's your testimony that you were not looking at Isaiah's bedroom; is that right?</p> <p>9 A. No.</p> <p>10 Q. Okay. Explain that for me.</p> <p>11 MR. DOWD: No, I don't think he understood the question.</p> <p>13 Q. (By Mr. Wheaton) All right. I'll ask it again.</p> <p>14 From your position as you were laying on the floor, you could not see into Isaiah's bedroom, is that correct, or do you know?</p> <p>17 A. I know his door was open, I -- when he put me on the floor. It was closed when I got up and went to the dining room because he had to come out of his room to put me on the floor.</p> <p>21 When I'm laying in my bed, you can lay in it.</p> <p>22 You see my grandson's room. You could see the dining room.</p> <p>23 You could see the front room. You could see all that.</p> <p>24 Q. When you're laying in your bed.</p> <p>25 A. On my bed. On my bed, you put your head up on my</p>	<p>1 question hoping for a different answer. That's the point of the rule that says asked and answered.</p> <p>3 Q. (By Mr. Wheaton) Just after he put --</p> <p>4 MR. DOWD: Do the best --</p> <p>5 Q. (By Mr. Wheaton) -- you down on the floor --</p> <p>6 MR. DOWD: -- you can.</p> <p>7 Q. (By Mr. Wheaton) -- you saw Isaiah go towards the dining room, right?</p> <p>9 A. He went in the dining room.</p> <p>10 Q. And then you called 911, right?</p> <p>11 A. Pardon me?</p> <p>12 Q. And then you called 911, right?</p> <p>13 MR. DOWD: Objection, vague, time frame.</p> <p>14 Q. (By Mr. Wheaton) Well, that's what I'm trying to figure out is the time frame.</p> <p>16 MR. DOWD: Do you mean immediately after he left the room or --</p> <p>18 MR. WHEATON: I'm asking about the sequence of events.</p> <p>20 MR. DOWD: Well, that's -- then it's totally vague as to -- you -- sequence, you say what happened next?</p> <p>22 MR. WHEATON: If you have an objection, please say it, Richard.</p> <p>24 MR. DOWD: I am, I am, asked and answered too many times.</p>
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<p>1 pillow where the head is, you look, you could see Isaiah's room, the dining room and the front room.</p> <p>3 Q. And I'm not asking you about what you can see from in your bed.</p> <p>5 A. No, I'm just saying what you could see.</p> <p>6 Q. Okay.</p> <p>7 MR. DOWD: That's all right, Dennis.</p> <p>8 WITNESS: But when I'm on the floor and I'm at that bed rail, I could see the dining room and the -- and living room. I wasn't looking at Isaiah's room at the time.</p> <p>12 Q. (By Mr. Wheaton) You were not.</p> <p>13 A. No. I was looking at Isaiah.</p> <p>14 Q. And you saw Isaiah leave your bedroom.</p> <p>15 A. Yes.</p> <p>16 Q. And that was right after he put you on the floor.</p> <p>17 A. Yes.</p> <p>18 Q. And right after he put you on the floor, where did Isaiah go to?</p> <p>20 A. Dining room.</p> <p>21 MR. DOWD: Objection. This has been --</p> <p>22 MR. WHEATON: I'm just trying --</p> <p>23 MR. DOWD: This is --</p> <p>24 MR. WHEATON: Go ahead.</p> <p>25 MR. DOWD: You can't keep asking the same</p>	<p>1 Q. (By Mr. Wheaton) All right. Isaiah puts you -- I'm asking about the sequence of events now, Mr. Torres.</p> <p>3 You understand that? You understand that, sir?</p> <p>4 A. Yes, but you keep asking the same thing over and over and I keep telling you the same thing over and over. I'm not lying. I've told you everything I know since we've been in here.</p> <p>8 Q. Okay.</p> <p>9 A. And I'm kind of getting upset over all of this.</p> <p>10 Q. And I'm just trying to understand because this is important. The sequence of events and how long the events were is important. Okay?</p> <p>13 A. You be in there --</p> <p>14 Q. That's what I'm trying to understand.</p> <p>15 A. -- and let me shoot at you. See how long it takes you to start acting.</p> <p>17 Q. So --</p> <p>18 A. I wish you were in that -- in a predicament like that. See how you act, how long it's going to take you to make a phone call took place, how long you going to be down. I wish you were in there.</p> <p>22 Q. So -- and that's all I'm trying to understand.</p> <p>23 MR. DOWD: That's a good question.</p> <p>24 Q. (By Mr. Wheaton) That is a good question. All right. Look --</p>

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<p style="text-align: center;">Page 146</p> <p>1 A. Well, you got my ans -- 2 Q. -- is it difficult -- 3 A. You got my answer enough. I told you enough 4 times. I told you the truth over and over, nothing to lie 5 about. So I'm tired of answering your question about 6 sequences this and that.</p> <p>7 Q. All right. Well, just do your best to listen to 8 my upcoming questions and answering them. Okay? That's 9 all I'm asking you to do. After Isaiah left your room, 10 then you called 911, correct?</p> <p>11 A. I'm not talking.</p> <p>12 Q. And you don't remember how long you're on the 13 phone with 911, right?</p> <p>14 A. No.</p> <p>15 Q. And then after you got off the phone with 911, 16 you heard more shots, right?</p> <p>17 A. Yes.</p> <p>18 Q. But at that time, you kept your head down, 19 correct?</p> <p>20 A. No. I was looking at Isaiah.</p> <p>21 MR. DOWD: I mean, it depends on when you mean.</p> <p>22 MR. WHEATON: That's what I'm trying to figure 23 out.</p> <p>24 MR. DOWD: Was it between the phone call and when 25 he left the room? Between the phone call and when he got</p>	<p style="text-align: center;">Page 148</p> <p>1 Q. (By Mr. Wheaton) That's a totally fair answer, 2 you don't know. 3 A. Yeah, but I don't know. 4 Q. Fair enough. I still have to ask the question. 5 All right?</p> <p>6 MR. DOWD: Once.</p> <p>7 MR. WHEATON: Can we take a quick break.</p> <p>8 MR. DOWD: Okay.</p> <p>9 VIDEOGRAPHER: At 1:54 p.m., we are going off the 10 record.</p> <p>11 (Brief recess.)</p> <p>12 VIDEOGRAPHER: At 1:58 p.m., we are back on the 13 record.</p> <p>14 Q. (By Mr. Wheaton) Have you ever heard of a group 15 called the Moganford Gangsters, sir?</p> <p>16 A. No.</p> <p>17 Q. As you exited the house --</p> <p>18 A. Huh?</p> <p>19 Q. As you exited the house --</p> <p>20 A. Yeah.</p> <p>21 Q. -- you were in your wheelchair. And is it true 22 that you were to the left of Isaiah's --</p> <p>23 A. To the right.</p> <p>24 Q. -- body --</p> <p>25 A. Oh.</p>
<p style="text-align: center;">Page 147</p> <p>1 back up into his wheel -- got into his wheelchair? There's 2 a lot of things that happened.</p> <p>3 Q. (By Mr. Wheaton) All right. You only saw Isaiah 4 go towards the living room one time, correct?</p> <p>5 A. Yes, and he said, "Don't shoot," and they shot 6 him. And I seen guys in black.</p> <p>7 Q. And the one time that you saw Isaiah go towards 8 the living room was before you called 911, correct?</p> <p>9 A. I don't know.</p> <p>10 MR. DOWD: If you know? If you don't know --</p> <p>11 WITNESS: I don't know. All's I know is I called 12 911.</p> <p>13 Q. (By Mr. Wheaton) From the first time you heard 14 shots fired until you heard police say, "Come out with your 15 hands up," how much time had passed?</p> <p>16 A. Pardon me?</p> <p>17 Q. From the first time that you heard shots fired 18 until the time that you heard police say, "Come out with 19 your hands up," how much time had passed?</p> <p>20 A. I don't know.</p> <p>21 MR. DOWD: As he instr -- okay. That's fine. As 22 Andrew instructed you, if you don't know, you don't know.</p> <p>23 WITNESS: I don't. The time periods I don't 24 know.</p> <p>25 MR. DOWD: I understand.</p>	<p style="text-align: center;">Page 149</p> <p>1 Q. -- as you exited the home?</p> <p>2 A. I -- when -- when I went out, dining room's here 3 (indication) and I had to make a left to go to the front 4 door; went to the front door, made a right and went 5 straight. They told me where to go on a porch.</p> <p>6 Q. And my question is as you wheeled out, were you 7 to the left of Isaiah's body as you wheeled past him?</p> <p>8 MR. DOWD: Do you -- it'd be easier if you asked 9 him which side he -- of Isaiah it was.</p> <p>10 WITNESS: Isai -- this side his head was on, this 11 side, my right side.</p> <p>12 Q. (By Mr. Wheaton) Your right side?</p> <p>13 A. Yes. I'm going out, his body was this side 14 (indication) laying long ways.</p> <p>15 Q. As you were going out --</p> <p>16 A. Yes.</p> <p>17 Q. -- Isaiah was on your right side laying --</p> <p>18 A. On my --</p> <p>19 Q. -- long ways.</p> <p>20 A. Yeah.</p> <p>21 Q. And the dogs were going out with you, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Where were the dogs as you wheeled out?</p> <p>24 A. In front of me -- one was in front and one was 25 behind me.</p>

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<p style="text-align: center;">Page 150</p> <p>1 Q. That's all the questions I have. 2 RECROSS-EXAMINATION 3 BY MR. DOWD: 4 Q. Do you remember Isaiah going to Lyon's Grade 5 School? 6 A. Yes. 7 Q. Okay. And do you remember going to any of those 8 grade school activities? 9 A. A couple. 10 Q. Okay. 11 A. A couple of them. 12 Q. What was he good at in school, if you know? 13 A. Oh, God, he was smart. 14 Q. Why do you say that? 15 A. He was good at reading. He was good at whatever 16 he wanted to do. It seemed like it just came to him, his 17 hands. 18 Q. What do you mean? Who do you mean his hands? 19 A. Like making things. He was in the -- what you 20 call -- those little der -- Soap Box Derby things. 21 Q. Yeah. 22 A. He made his own little Soap Box Derby thing, got 23 a trophy out of, made one be a little -- little models and 24 he got a trophy from it. 25 Q. How old was he when he was doing that, do you</p>	<p style="text-align: center;">Page 152</p> <p>1 Q. Okay? 2 A. Yeah. 3 MR. DOWD: We'll waive. 4 VIDEOGRAPHER: At what is turning 2:02 p.m., that 5 concludes the deposition of Dennis Torres. We are going 6 off the record. 7 MR. DOWD: Thank you, everybody. 8 MR. WHEATON: All right. Thank you. 9 (The deposition concluded at 2:02 10 p.m. and the signature was waived. Deposition Exhibit A 11 was retained by counsel for the Defendants.) 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: center;">Page 151</p> <p>1 remember? 2 A. Oh, God, nine maybe. 3 Q. Okay. 4 A. Maybe nine, ten. 5 Q. All right. 6 A. I know his aunt -- his grandma didn't like him 7 going hunting, me taking him hunting. 8 Q. Why was that? 9 A. She -- I don't know, she just -- I guess she 10 didn't like guns, I don't know, or liked hunting. 11 Q. Got you. Okay. That's all I have. 12 A. Yeah. 13 Q. Dennis, you can read your deposition to be sure 14 that it was taken down as spoken here today by this young 15 lady or you can waive signature. As your attorney, I would 16 recommend you waive signature. 17 A. Waive what? 18 Q. Waive signature. 19 A. What's that mean? 20 Q. That means you don't need to read it. 21 A. Oh, okay. 22 Q. She's a very good court reporter -- 23 A. Yeah. 24 Q. -- and -- 25 A. Yeah.</p>	<p style="text-align: center;">Page 153</p> <p style="text-align: center;">REPORTER'S CERTIFICATE</p> <p>I, LAURA LYNN MURPHY, CCR No. 764, Certified Court Reporter and Registered Merit Reporter, do hereby certify;</p> <p>that the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;</p> <p>that the testimony of the witness, the questions propounded and all objections and statements made at the time of the examination were reported by stenographic means by me and were thereafter transcribed;</p> <p>that the foregoing is a true and correct transcript of my shorthand notes so taken.</p> <p>I further certify that I am not a relative or employee of any attorney of the parties nor financially interested in the action.</p> <p>I declare under penalty of perjury under the laws of Missouri that the foregoing is true and correct.</p> <p>Dated this 26th day of January, 2020.</p> <hr/> <p style="text-align: right;">LAURA LYNN MURPHY, CCR No. 764</p>

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